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SOUTH AFRICAN REPUBLIC

CORRESPONDENCE

RELATING TO THE

EXPLOSIVES MONOPOLY

IN THE

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SOUTH AFRICAN REPUBLIC

Presented to both Houses of Parliament by Command of Her Majesty
May. 1899.

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IN MEMORIAM

GŪLBĀI

FROM HER SON

FREDŪN D. MŪLLA.

13-3-04

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SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

RELATING TO THE

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SOUTH AFRICAN REPUBLIC.

No. 1.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR W. F. BUTLER.

SIR, Downing Street, January 13, 1899.

THE question of the importation of explosives into the South African Republic has, as you are aware, been brought to my notice by British manufacturers, who complain that their manufactures are refused admittance into the Republic, and that they are thereby debarred from carrying on their commerce within the Republic conformably to Article XIV. of the London Convention.

2. On receipt of these representations, it became my duty to give the whole subject my full and careful consideration.

3. It is not necessary for the present purpose to make more than passing reference to the circumstances of the monopoly granted in 1887 to Mr. Edward Lippert, which gave ground for strong representations on the part of Her Majesty's Government, and which was formally cancelled in 1892. The present circumstances are, nominally at all events, somewhat different, the Volksraad in 1893 having declared the traffic in explosives to be a Government monopoly, the execution of which might, with the consent of the Executive, be transferred to other persons, subject to Regulations* laid down by the Volksraad.

4. Accordingly, in October, 1893, the Government concluded a contract* with Mr. L. G. Vorstmann, by which he was appointed sole agent for fifteen years for carrying out the monopoly. Under this contract the agent was given the right to establish a Company for the purpose, he was allowed to charge certain maximum prices for dynamite, amounting, in the case of Dynamite No. 1, to £4 15s. per case, and was to pay to the Government 5s. per case of dynamite sold, as well as an amount not exceeding 20 per cent. of the "surplus," which was defined to be the balance remaining after deduction of all costs, wear and tear, the usual writings off, and interest of 8 per cent. on the capital. The agent further engaged to erect manufactories within the two and a half years allowed by the Volksraad Regulations, and, pending their erection, the Government were themselves to import all materials required, and place them at the disposal of the agent, who was to hand over to the Government the proceeds of the sale, from which the Government were to deduct 5s. per case and the sums paid for the materials imported, returning the balance to the agent.

5. Her Majesty's Government are advised that the creation of a monopoly in favour of the State is not necessarily inconsistent with Article XIV. of the London Convention, even when exercised by a concessionnaire, provided that the concession is intended in good faith to benefit the State generally, and not simply to favour the concessionnaire.

* *See* Appendix I.

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6. The question, then, which presented itself to me was whether the dynamite monopoly, as exercised under the contract with Mr. Vorstmann, was for the benefit of the State generally, or for the benefit of the concessionnaire.

7. From the report of the Commission of the Volksraad appointed in February 1897, to inquire into the working of the monopoly, a translation of which is included in the papers laid before Parliament in April of that year,* I gathered the following facts:—

The Company which the Government Agent was empowered to form was constituted under the designation of the "Zuid Afrikaansche Fabrieken voor Ontplofbare Stoffen, Beperkt" (South African Explosives Company, Limited). They did not complete their factory within the period of two and a half years allowed by their contract, but in October 1896 they claimed to be in a position to manufacture 80,000 cases annually, the total requirements of the country being estimated at 200,000 cases, and thereupon the Executive Council, contrary to a resolution of the Volksraad of September 1894, which expressly forbade any departure from the regulations, allowed the Company a further two and a half years for erecting factories sufficient to supply the needs of the country. Under the most favourable conditions, and assuming that the expectations held out by the Company were fully realized, the Commission estimated that for the four years, 1897-1900, it would be necessary to import at least 430,000 cases over and above what could be produced by the Company. The treatment in the factory of the imported dynamite and blasting gelatine was stated to consist of the simple process of making them up into cartridges, while as regards the comparatively small proportion which the Company claimed to manufacture, it appeared that all the essential raw materials had to be imported, as they were not produced within the State, nor was there any likelihood in the near future that they would be. In this connection the Committee observed: "It is therefore clear that the Government Agent has not fulfilled the promise he made in the contract, viz., to produce dynamite and other explosive materials in such quantities as the needs and demands within the South African Republic require."

Dealing with the profits made by the Company on the importation of explosives, as distinct from the profit on those manufactured by them, the report contains the following statements:—

"This importation brings the Company extremely great profits that have nothing to do with those arising from the explosive materials manufactured by the Company itself.

"Your Commission finds from the accounts which have been laid before it by the State Secretary, that the profits made by the Company on explosive gelatine and guhr-impregné, imported and paid for by the State, amount to close upon £2 per case, of which only 5s. per case comes to the Republic.

"Applying the above calculation to the 430,000 cases, the minimum that must be imported in the next four years, we obtain the result that, if the State imported, the Treasury would benefit to the amount of £860,000, whilst if the Company does so the profit to the State would only be £107,500, thus making a difference to the disadvantage of the State of £752,500.

"The advantage accruing to the State by importing on its own account would probably be still greater after 1900, on account of the increased demand."

8. It seemed from this impossible to doubt that the monopoly as then exercised involved an infringement of Article XIV. of the London Convention; that it was not a monopoly for the benefit of the State generally; and that it served no purpose of State by making the Republic independent of outside sources, while financially the result to the State was a loss to be measured in hundreds of thousands of pounds.

9. Her Majesty's Government did not, however, make known their views on the subject, because, in April 1897, a Commission was appointed by the Government of the South African Republic to inquire into all matters which hindered the development of the mining industry, and to make such recommendations as might tend to their improvement and amendment. In view of the circumstances set forth in the report already quoted, Her Majesty's Government were confident that any competent Commission could not fail to condemn the abuses of the system, and they hoped that the Government of the South African Republic would deal with these abuses independently and at the instance of a Commission appointed by themselves.

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* *See* No. 132 in [C. 8423].

10. As regards the recommendations of the Government Commission, the expectations of Her Majesty's Government were fully justified.

The Commission, after examining a number of witnesses, including leading representatives of the mining industry and Mr. Phillip, Director of the South African Company of Explosives, reported on the 27th July that the price of all kinds of explosives was unreasonably high. "When we bear in mind," they said, "that the excess charge of 40s. to 45s: per case sold does not benefit the State, but serves to enrich individuals for the most part resident in Europe, the injustice of such a tax on the staple industry becomes more apparent, and demands immediate removal." They found, like the Volksraad Commission, that none of the raw material for manufacture is found in the country, or only in such small quantities as to make it practically valueless for the purpose required (an opinion further confirmed by the technical report of Dr. Loevy, published by the Transvaal Government in July 1898), and they asserted that such drawbacks to the manufacture of explosives in the Transvaal existed that they make it "almost impossible to establish a *bonâ fide* industry."

They were "forced to the conclusion that the factory has not attained the object with which it was established, and that there is no reasonable prospect of its doing so.

"That there are good grounds for believing that the Contractors have failed to comply with the conditions of their contract, which required them to establish, complete, and bring into operation, on or before the 24th April, 1896, one or more factories for the manufacture of dynamite and other explosives of such nature and quality and of such quantity as the requirements and demands within the South African Republic shall require and demand."

The Committee proceeded to report as follows:—

"For the aforesaid reasons, and in view of the opinion expressed by the Volksraad Dynamite Committee, that the legal position of the Government against the Contractors is undoubtedly strong, your Commission desire to recommend that the case be placed in the hands of the legal advisers of the State, with a view to ascertain whether the contract can be cancelled.

"Meanwhile, your Commission recommend that the Government avail itself forthwith of its right under Article 15 of the Regulations, namely:—

> "'The Government will reserve for itself—(*a.*) The right, when the interests of the State render it necessary, to take away the agency of trading in gunpowder, dynamite, cartridges, and other explosive stuffs, from above-mentioned persons,' &c.,

and at once take into its own hands the importation of dynamite and other explosives for the benefit of the mining industry, subject to duty of not more than 20s. per case, or such other less sum as may be determined on from time to time. This protecting duty, while considerably increasing the revenue of the State, would, at the same time, afford ample protection to any industry of this description in the Republic."

11. The expectation of Her Majesty's Government that the Government of the South African Republic would act in accordance with these recommendations has not, however, as yet, been realised.

After a lapse of nearly eighteen months the monopoly still exists without any modification.

12. In August 1897 the Government asked the First Volksraad to appoint a further Commission to consider the report of the Government Commission on the Mining Industry, and this was accordingly done.

Of the report, dated the 16th October, 1897, which was made by that Commission of the Volksraad I need not say more than that the Commission appear to have been singularly ill-informed as to the price of dynamite; but the report gave rise to a long and very interesting debate in the Volksraad, in the course of which General Joubert declared that the monopoly "was in fact no longer a State monopoly, but Lippert's monopoly, for he still made most profit out of it." His Honour continued that the same reasons which existed for cancelling the contract with Lippert still existed, and he expressed the hope that the Volksraad would cancel the "Lippert *alias* Vorstman Contract" as they had cancelled the former Lippert Contract. I do not in fact find in the arguments of those members who supported the monopoly any serious attempt to disprove the facts and figures adduced to show that the monopolist Company is making an enormous profit without benefit to the State.

Ultimately the following resolution was carried on the 4th November, 1897, by a majority of one:—

"The First Volksraad having taken into consideration Chapter VII. of the report of the Commission regarding dynamite and explosive materials now being dealt with, and the memorials in connection with it, further considering that with reference to this matter a contract has been entered into by the Government with L. G. Vorstmann, further considering the report of the Commission and the explanations and facts adduced by various members that the Company has not acted strictly in accordance with the contract, resolves to charge the Executive Council to place this matter in the hands of the State Attorney and other legal authorities, in order to ascertain what steps can be taken in it, and then to act according to circumstances, in order to provide the mines with cheaper dynamite, either by allowing importation under permits, subject to the payment of the ordinary customs dues, or otherwise as the Executive Council thinks desirable."

13. It appears that the Volksraad placed the matter at the discretion of the Executive.

All that has hitherto been effected, however, is a reduction of 10s. per case in the price of dynamite, the Company agreeing to surrender 5s., and the Government also surrendering 5s.

The reduction would be unimportant were it not that the surrender of the 5s. by the Government, being the whole amount of the royalty to which they are entitled, makes it more than ever difficult to understand in what way the monopoly can be considered to be a State monopoly. It is, indeed, true that the Government is entitled to a share not exceeding 20 per cent. of the surplus profits, but even were large sums paid to the Government on that account, which, I understand, owing to the system of writings off, is not the case, it can scarcely be held that a contingent right to a small share in the profits of the monopoly makes it a *bonâ fide* Government monopoly.

14. No report by the legal advisers of the Government has yet been published, though on the 15th November, 1898, during a debate in the Volksraad on a memorial from the Chamber of Mines, praying for the cancellation of the monopoly, the State Attorney promised that the report would be laid before the Raad before long.

15. Her Majesty's Government have now learned with surprise that the Government of the Republic has asked the Volksraad* to extend the duration of the monopoly for a further period of fifteen years, in return for another small reduction of 5s. per case in the price of explosives, and that it is proposed, at the same time, so to modify the Concession as to virtually put it out of the power of the Government to cancel it on any of the grounds which now form a menace to the Company's position.

16. From the figures given by the Government Commission already quoted, it appears that, even after a further reduction of 5s. per case, the price to be charged by the Company would still be 25s. to 30s. per case in excess of that at which the same quality of dynamite could be imported and laid down in Johannesburg.

On 200,000 cases, which was reported by the Volksraad Commission to be the annual consumption in February 1897, this would represent a loss to the mining industry of from £250,000 to £300,000 per annum. The same Commission estimated the average annual consumption for the four years 1897-1900 at 250,000 cases. At the same rate of increase the average annual consumption during the last four years of the term for which the Concession was originally granted, would be 350,000 cases, representing a loss of from £437,500 to £525,000, while if the concession were extended for fifteen years further, the annual loss before the end of that term would be no less than from £687,500 to £825,000. Even if the greater part only of this gigantic sum found its way into the coffers of the State, it is reasonable to suppose that the burden of taxation on the general community would to that extent be lightened.

17. The Volksraad has not indeed, so far, accepted the proposal referred to, as its consideration has been deferred till the next Session.

In view, however, of such a proposal having been made, Her Majesty's Government feel that they must no longer delay to make known their view of the matter to the Government of the South African Republic, and to protest not only against the prolongation of a monopoly which they hold to be inconsistent with the provisions of the London Convention, but against any further delay in taking steps to cancel the concession, or so to reform it that it may be exercised in good faith for the benefit of the State.

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* *See* Appendix II.

18. If the Government of the South African Republic should persist in the proposal to extend the term for which the monopoly has been granted, they must clearly understand that Her Majesty's Government reserve to themselves the right to renew their protest, notwithstanding the grant of such an extension, and Her Majesty's Government must not be understood as in any sense admitting the legality of the original concession or of its extension.

19. I request that you will instruct Her Majesty's Agent at Pretoria to communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,
J. CHAMBERLAIN.

No. 2.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 27, 1899.)

SIR, Government House, Cape Town, February 8, 1899.

I HAVE the honour to enclose for your information, with reference to previous correspondence, a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the action of the Chamber of Mines with regard to the Dynamite Monopoly in the South African Republic.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure in No. 2.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Pretoria, February 3, 1899.

WITH reference to previous correspondence on the subject of the dynamite monopoly, I have the honour to enclose a report of a special meeting of the Chamber of Mines of the Republic, held yesterday, at which a proposal to offer this Government a loan of £600,000 wherewith, if necessary, to expropriate the Dynamite Company, was carried unanimously, the proposed loan being guaranteed by all the financial houses of importance upon the Rand, including both the representatives of the Dresdner and the Deutsche Banks, whose attitude towards the Dynamite Company had hitherto been somewhat uncertain.

It is unnecessary for me to recapitulate the reasons and arguments advanced by the Industry for the cancellation of the monopoly, as I have already given them in previous despatches, but I may note the declaration that the industry has no fear of difficulties from the side of Nobel's dynamite ring, as offers have been received from both European and American companies to supply the Rand Mines at about one-half of the price charged by the monopolists here.

The announcement of this offer, which has been made very publicly through the press reports of the meeting, has caused considerable sensation, as being the first occasion on which the industry has offered to come to the aid of the Republic with direct financial assistance. A deputation from the Chamber of Mines has asked leave to wait upon the Government, to explain their offer, next week.

I have, &c.,
EDMUND FRASER.

THE DYNAMITE MONOPOLY.

PROPOSED EXPROPRIATION.

AN IMPORTANT SCHEME.

CHAMBER OF MINES MEETING.—TO-DAY.

A special meeting of the Chamber of Mines was held this afternoon, for the purpose of considering a proposal to be submitted to the Government for the expropriation of the dynamite monopoly. Mr. George Rouliot presided, and among those present were: Messrs. H. F. Strange, W. Dalrymple, N. Scholtz, Geo. Albu, A. Brakhan, E. Boucher, B. Kitzinger, E. Birkenruth, A. M. Niven, Jas. Durham, F. Eckstein, H. R. Calvert, S. C. Black, S. Evans, F. Drake, A. R. Sawyer, — de Roos, J. P. Fitzpatrick, J. G. Hamilton.

The President said: This meeting has been called to submit for your consideration a proposal which your Executive Committee recommends should be made to the Government in connection with the dynamite monopoly. As you know, during the February session, which is about to begin, a proposal from the Explosives Company will be submitted to the Raad, providing for the expropriation of the factories at the expiration of the present contract, or for an extension of the present contract for another period of 15 years. I have pointed out to you last week how unfair and unjustified such a proposal is, how, if it were adopted, the State would be done out of its legitimate share of the profits, how it would condone any breach of the contract in the past, and how unwise it is to bind the State for a period of 25 years, depriving it of a large source of revenue. We think that the Industry ought to record its protest against even the consideration of such a monstrous proposal, but further remembering the recommendation of the Industrial Commission, and the report of the Volksraad Committee, stating the breaches of the contract made by the Explosives Company, we consider it advisable to urge the advisability of cancellation of the monopoly upon the Government and the Volksraad. We think that the contract could be legally and simply cancelled without any compensation being given to the monopolists, but this might be construed as harsh treatment, considering that the Explosives Company has spent large sums of money in erecting its factories, and we would therefore advise the Government and the Raad, if they fall in with our views, to compensate the company for the amount of actual and legitimate costs of the necessary works. This amount is estimated to be about £600,000. Now it will be said that the Government have no funds to carry out such a scheme, but you will remember that at the annual meeting of the Chamber I stated that whenever the Government would have a definite programme to submit I did not think it would experience any difficulty in raising the requisite funds. This is a case in point, and we suggest that the Chamber itself should offer to lend to the State the funds required for this purpose, receiving in exchange Government bonds at par, bearing 5 per cent. interest, or any other security which we may agree upon after consultation with the Government. Such an offer would be made by the Chamber as representing the whole Industry. Of course, the Chamber has not £600,000 ready cash to lend, and could not very well make a call upon its members to raise that sum. It has, therefore, obtained a guarantee from all those largely interested in the mines to lend it the funds required for this purpose. Should our offer be accepted, we recommend, in the interests of both the State and the Industry, that importation of explosives be allowed under permit, as it was formerly, subject to an import duty of, say, 10s. per case, which would represent an annual income to the State of about £150,000 at present. We would also suggest that an extra tax of 10s. per case be imposed for the special purpose of providing interest on the loan, and for its redemption, this tax to cease when all the bonds are redeemed, which would be in about five years' time. It has been argued that should the Transvaal monopoly be cancelled, the Industry would be at the mercy of the ring, which would extract from us any price they liked. Nobody should have any fear on that score. Nobel's are not the only suppliers in the world. We have had offers from European manufacturers outside the ring to supply us with practically unlimited quantities. Even if factories could not at the first notice turn out as much as we required, we understand that there is in the Transvaal a stock equal to six months' supply, and during that time the outside factories might be sufficiently enlarged to meet all the demands. Finally, and as a last resource, in the case of need, there would always be the local factory, which, having become the property of the State, could be utilised to manufacture the wanted article. But, as I have said, we need not have any fear, and I feel convinced that Nobel's would be the first to compete in the open market, and to try to secure the largest share of the trade. Now consider the effects of our suggestion: The manufacture of dynamite in this country is a fictitious and artificial industry, which does not develop any resources of the State. Raw materials are imported at a considerable cost, to be mixed locally, and an article is produced which is sold to us 100 per cent. dearer than in neighbouring colonies, without hardly any advantage to the State. If our proposal was accepted, by competing in an open market, Nobel's would secure a very large proportion of the trade, and, although selling at a very considerably reduced price, would probably make as much profit as by selling, as the locally-manufactured article at current rates; we would effect a considerable saving in our explosives, the price being about 60s. per case, as long as the two taxes would be put on, and 50s. when the bonds are redeemed, instead of 75s. as at present. And, thirdly, the State would become the proprietor of the factories without disbursing a penny, and would receive a yearly income of £150,000, instead of £37,500, which is all that the proposal of the Explosives Company would give it for the next twenty-five years. We therefore ask you to authorise your Committee to make on your behalf the following offer to the Government:

Terms of the Proposal.

A Guarantee of £600,000.

The Secretary then read the draft letter, which is in the following terms:

Chamber of Mines of the S.A.R., Johannesburg, January 31, 1899.

To the Honourable
The State Secretary,
Pretoria, S.A.R.

Sir,—On the 5th December last there appeared in the public press reports of the proceedings in the First Volksraad, from which it appears that a proposal was submitted for an extension of the present Dynamite Agency for a further period of fifteen years from the date (1908) of the expiry of the present contract. The proposal is so worded that if accepted it would mean that the Government condones all past breaches of the contract, such as might justify cancellation, and would render cancellation practically impossible if deemed advisable in the future. Whereas the present contract only stipulates for a monopoly during a period of fifteen years, without any further obligation on the part of the State, it is now proposed that at the expiration of this contract, either the State will compensate the monopolists by taking over their factories, paying for same, or will agree now to an extension of the contract for another period of fifteen years. Moreover, the profits accruing to the State, originally designed to be 20 per cent. of the total after 8 per cent. had been paid on issued capital of the monopolist company, are now reduced to 2s. 6d. per case, which is the minimum that the State is entitled to receive under any circumstances, even under the present contract, thus cutting off from the State revenue for a period of twenty-five years (should the proposal be accepted), a most valuable source of income, and also depriving the country of all the benefits of labour and

science which might result in cheapening or improving of explosives. In return for all this, the monopolists proposed to make a paltry reduction of 5s. per case during the period of their contract. In view of the fact that the cost of dynamite is a matter almost exclusively concerning the mining industry, we trust that your Honour will receive and convey to the Honourable the Executive our respectful representations against a scheme so monstrous as the above, and further that your Honour will be able to submit to the Honourable the Executive the proposition which we make hereunder. Convinced as we are that our offer is alike consistent with the highest interests of the State, and conducive to the prosperity of the industry which we represent, we beg respectfully to express the hope that it may be laid before the Honourable the Volksraad when the matter of the dynamite monopoly comes up for discussion.

In the event of the Honourable the Volksraad deciding that the breaches of the contract committed by the present agents should warrant the cancellation of the agency, or deeming cancellation advisable in the interests of the State, and regard being had to the fact that a large sum of money has been expended by the monopolist company in machinery and works in this country, and that to cancel the contract without the taking over of such works or adequate compensation for actual legitimate outlay, might be deemed to be a harsh, though just, interpretation of the State's rights, we beg to submit the following proposal:

I. Upon the cancellation of the monopoly the whole of the property, buildings, machinery, and plant shall be taken over by the Government of the South African Republic at a figure to be determined by arbitration, such figure not to exceed the actual and legitimate costs of necessary works.

II. In order to provide the funds requisite for this purpose, the Chamber of Mines of the South African Republic hereby offers to provide the sum of £600,000 against Government bonds, say 5 per cent. bonds at par, or bonds at the same conditions of price, rate of interest, and currency as those formerly issued by the Government are now commanding, or otherwise upon such terms as, after consultation with the Honourable the Government, we may agree.

III. The arbitrators to be three, one appointed by the South African Explosives Company, one to be appointed by the Executive Council, and the third to be appointed by the other two. In the event of any arbitrator or arbitrators, as aforesaid, not being duly appointed within fourteen days of the taking of the resolution by the Honourable the Volksraad to cancel the monopoly, the Honourable the Chief Justice shall, upon application by any of the parties hereto, fill up the vacancy or vacancies which may exist. The decision of two of the arbitrators to be final.

IV. Upon cancellation of the monopoly it is proposed that the Honourable the Government shall permit free trade in explosives under permit, as was formerly allowed, and subject, of course, to such restrictions and conditions as may be deemed necessary in the interests of the State and of the public safety.

V. In order to provide revenue for the State and means for the amortisation of the above loan, it is suggested that a tax of 10s. per case be imposed for the benefit of the State's revenue, and that a further temporary and special tax of 10s. per case be levied for the purpose of providing interest on and amortisation of the loan, such tax to cease upon extinction of the loan.

The consumption of dynamite at the present time in the South African Republic is believed to be at the rate of about 300,000 cases per annum, and without doubt this figure will steadily increase. It will thus be seen that at the present time the State, which could not under the new proposal derive more than £37,500 per annum (2s. 6d. per case), would under our proposal derive a nett revenue of £150,000 per annum from this source. The cost of expropriation will be borne entirely by the consumers, and will be paid for by them out of the special tax in less than five years, the buildings and factories becoming the property of the State.

In conclusion we would request Your Honour to take note that owing to the lack of authentic information about the Dynamite Company's business, we are unable to state that the sum of £600,000 is the exact amount of actual and legitimate expenditure on property, buildings, and works, but we have been informed that this is approximately correct. Should it be, however, that we have been misinformed, and that the amount exceeds this figure, we beg that the Honourable the Government will communicate with us to that effect, so that we may increase the guarantee to the required amount.

Attached hereto is copy of the guarantee obtained by the Chamber for the carrying out of the above proposal, should it be accepted by the Honourable Volksraad.

THE GUARANTEE.

The following are the terms of the guarantee:—

We, the undersigned, hereby jointly guarantee to advance to the Chamber of Mines the amount required in terms of the offer to be submitted for approval to a general meeting of the Chamber, to be held on February 2, should the Government and the Volksraad of the South African Republic entertain the proposal. We jointly guarantee to take up £600,000 of Transvaal Bonds at par, bearing interest at the rate of 5 per cent., or for the same amount of any security that may be agreed upon between the Chamber and the Government, and should the amount of £600,000 be proved to be insufficient, we shall be prepared after consultation with the Government and the Chamber to increase our guarantee to any amount which appears to us legitimate.

H. Eckstein and Co.
E. Birkenruth, p.p. Consolidated Goldfields of South Africa, Ltd
J. G. Hamilton, p.p. S. Neumann and Co.
H. R. Calvert, J. Munro, p.p. Barnato Bros.
Robinson South African Banking Co., Ltd., John M. Pierce, Manager, for J. B. Robinson.
A. Goerz and Co., Ltd., A. Brakhan, Managing Director for South Africa.
General Mining and Finance Corporation, Ltd., G. Albu.

The Chairman: Well, gentlemen, this is the offer which we recommend you to instruct your Executive Committee to forward to the State Secretary. Therefore, I beg to move: "That the Executive of this Chamber be instructed on behalf of the Chamber, to forward to the State Secretary the offer which has just been read *re* the dynamite monopoly."

Mr. H. Duval seconded.

The President said it was now open to any member to make any remark or suggestion, but no one responded.

The motion was then put, and carried unanimously, and the proceedings terminated.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 1, 1899.)

Government House, Cape Town,
March 15, 1899.

SIR,

WITH reference to previous correspondence respecting the Dynamite Monopoly in the South African Republic, I have the honour to transmit to you a copy of a despatch from Her Majesty's Agent at Pretoria, enclosing a copy of the present State Attorney's report on the subject, and also the reply of the Government of the Republic to the representations made in your despatch of the 13th January.*

I have only time to forward to you by this mail a hurried translation of the State Secretary's Note, which, as you will see, denies the right of Her Majesty's Government to enter a protest against this Monopoly.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 3.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria,
March 10, 1899.

WITH reference to my telegram† of yesterday, summarising the opinion of the State Attorney on the Dynamite Monopoly, I have the honour to transmit to Your Excellency herewith duplicate copies of the document in question, together with the report† of the proceedings in the Chamber on the 8th instant, when the opinion was read in the House, and yesterday when the debate was continued and ultimately adjourned till next week.

Your Excellency will notice that no reference whatever is made in the course of the debate either to the recently delivered protest of Her Majesty's Government, nor to the offer of the Chamber of Mines to advance £600,000 to assist the expropriation of the Company.

P.S.—Since writing the above I have received the accompanying Note, dated yesterday from the Government in reply to the Note from this Agency of the 6th ultimo, conveying the protest of Her Majesty's Government on the Dynamite question. I regret that, as I am greatly pressed for time in order to get off my bag this afternoon, I am obliged to forward the Note to Your Excellency in original.

C. G.

"PRESS," March 9, 1899.

The following is the opinion of the State Attorney regarding the Dynamite Concession which was laid before the Raad yesterday:—

This matter was referred by the First Volksraad on November 4, 1897, to the Government with the instruction to obtain legal advice and to act according to circumstances. The then State Attorney, the present Chief Justice, obtained then the opinions of Advocates Curlewis, Reitz, and Schreiner (of the Cape Colony). Before, however, he had given his own written opinion to the Government, he was appointed Chief Justice, and, therefore, his final opinion was not formally made known to the Government. After my appointment as State Attorney, the Government delegated to me the task of going into the matter, and to communicate to it my own opinion. Through the heavy work of my department I was, however, not in a position to address myself seriously to the matter before the beginning of September. I have since earnestly studied the case, and frequently weighed the opinions of my legal colleagues, and have finally come to the conclusion that on some of the principal points I must differ from them. I shall now as concisely as possible

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* No. 1. † Not printed.

set forth on what grounds I am of opinion that the Government of the South African Republic is not now entitled to cancel the said monopoly. Although the case is not without its own peculiar difficulties, I am of opinion, nevertheless, that the final decision must rest on a few simple points.

I. Questions Arising Out of the Origination of the Contract.—In December, 1888, the Government gave a concession to a certain E. Lippert for the establishment of a factory for the manufacture of powder, dynamite, and other explosive materials in the South African Republic. Shortly thereafter Lippert made this concession over to a Company, consisting largely of French shareholders, whereof L. G. Vorstmann, as Managing Director, and E. Lippert, as Head Agent, were appointed. This Company, however, instead of manufacturing explosives within this Republic, appears to have exclusively confined itself with the importation of material already manufactured, in conflict with the terms of the concession. On this ground the British Government entered a strong protest against the existence of the concession in the hands of the Company, as they asserted that existence was in conflict with Art. 14 of the London Convention, inasmuch as French subjects were benefited above British. While diplomatic negotiations were still proceeding, the case of the Company came before the First Raad, and after investigation by a Commission on August 24, 1892, the Government was instructed to deal with the matter as it best appeared to it, and to report the following session. Thereupon the Government gave effect thereto, in that the concession to Lippert was declared cancelled. In consequence of this cancellation, however, the Government became diplomatically involved with the French Government, which appeared in defence of its subjects. I make mention of these difficulties because, in my opinion, they were not without influence on the contract eventually entered into on October 25, 1893, with Mr. Vorstmann.

After the concession to Lippert was cancelled, and probably to prevent any further diplomatic difficulties, the Government gave the right equally to certain English, French, and German subjects, to import explosives into this Republic. Meanwhile, the old French Company proceeded with threats of instituting an action against the Government for damages.

In September (1 to 5), 1893, the First Raad passed the regulations whereby the Government could exercise the State monopoly for the importation, manufacture, and dealing in explosive materials, and on October 25, 1895, followed the original contract with Vorstmann in terms of those regulations. The regulations themselves I shall refer to later; here I only wish to marshal the principal facts which throw light on the origin of the contract.

It appears that already before September, 1893, the old French Company and Vorstmann (who had been its managing director) intended to make application for the agency for the carrying out of the State Monopoly that would later be brought into existence by the regulations. It appears further that the Government was willing to grant it the agency; and this willingness was most probably due to the strong wish of the Government to do away with, for good, the differences called into being by the French Government through the cancellation of the first concession.

In place, however, of granting the agency to the French Company, on October 25, 1893, the contract of that date was given to Vorstmann. This sudden alteration finds its explanation when it is considered that on October 24, 1893—thus one day before the contract with Vorstmann was entered into—the French Company addressed a note to the Government, whereby it withdrew all its claims against the Government arising out of the cancellation. This explanation can only be this, that, although the contract was formally entered into with Vorstmann, the French Company would thereby be practically indemnified, and that the Government assented to or concurred with this position.

That the Company was certain that it would obtain the agency appears from the contract, dated August 25, 1893, between it and Lippert, wherein Lippert, presumably in consideration for certain services as its general agent, was appointed to carry out the agency under the pending regulations, and as such was to draw seven to ten per cent. of the proceeds per case. It appears to me as if these pretended services were nothing else than the withdrawal of his alleged claim against the Government for indemnification, for by this withdrawal the Government would be placed in a position to agree, free and unrestricted, with the Company with regard to the agency. I presume thus that the Government was originally acquainted with this contract, for it knew that the difficulties with Lippert must first be removed.

On November 4, 1893, however, a supplement to this contract was signed, whereunder, as a further consideration in favour of Lippert, it was stipulated that he should get 2s. per case of dynamite for three years, £25,000 in cash, and 25,000 paid-up shares in the new Company which was to be formed to exploit the agency. These further terms are evidently an inseparable part of the contract of August 25, and must, although not signed, still have already been agreed to upon that date. It is difficult to comprehend why they were signed separately and at a later date. One point, however, of convincing importance holds good, namely, that on January 20, 1894, both contracts were formally handed in to the Government, and that the Government neither then nor later protested against the terms thereof. In the light of these and other facts it is almost impossible for the Government to now offer the contention that on January 20, or shortly thereafter, it was not acquainted with the terms of these contracts or acquiesced therein.

On February 26, 1894—thus after January 20, 1894—the contract was entered into, whereby really the agent for the carrying out of the State Monopoly—the present South African Factory for Explosive Materials—was called into being. That contract was entered into between the old French Company and the Dynamite Actiengesellschaft (Nobel and Co.), an Anglo-German Co. Therein Noble and Co. undertook to float the South African Factory for Explosives with a capital of 450,000 shares of £1 each, divided in the following manner:—

a. 220,000 shares to be issued against payment.

b. 25,000 shares to be granted to Lippert (in terms of the contract of November 4, 1893, aforesaid).

c. 182,000 shares to be granted to the French Co. (as indemnification for the cancellation of its contract by the Government).

d. 22,500 shares to be granted to Dr. Gobert, a German lawyer, "for services rendered."

e. Further, there must be paid to Lewis and Marks 2s. per case of dynamite, and

f. The obligation undertaken by the old Company against Lippert must be fulfilled by the South African Factory for Explosives.

Although I have not been able to ascertain when this agreement was formally brought to the notice of the Government, it is yet clear that it only gave effect to an understanding, and to obligations wherewith the Government was well acquainted, and whereto it expressly or practically agreed to. In equity it can thus be accepted that the Government was also acquainted with this agreement, and the Company has in its returns frequently referred to this agreement.

After all this had happened and was agreed to, the agency was granted to Vorstmann on October 25, ultimately carried over to the South African Factory for Explosives in the flotation of June, 1894.

I have set forth these facts here because they are of great importance for the decision of the question in how far the Government has reason against the Company for fraud committed at the time of its origin. It is, namely, stipulated in the contract between Vorstmann and the Government that the Government shall receive 20 per cent. of the profit on the sale of explosives, and it can now be alleged that the giving away of all the shares of the Company, besides 220,000 to third persons, greatly prejudices the Government in its right to 20 per cent. of the profits. The question arises then, in how far the Government can now object to the giving away of shares to the old French Company, to Lippert, and Dr. Gobert, and the granting of share in the profits to Lippert and Lewis and Marks.

On the facts set out I come to the conclusion that the Government had knowledge at least of the principal rights so granted to others, and expressly or silently agreed thereto.

It appears to me as if the Government, most of all, was eager to avoid, or to remove diplomatic difficulties, and that it was its intention that the old French Company should be indemnified, notwithstanding the cancellation of its concession; on this point especially is the evidence strong. Further, it appears to me that the Government at least had part knowledge of the agreements between the French Company and Lippert, whereby certain rights were granted to the latter; and it is further very possible that it was also originally acquainted with the obligations undertaken as regards Lewis and Marks. Certain it is that when the Government later obtained knowledge thereof, it offered no objection. On these facts, taken in connection with accessory circumstances of the case, I am of opinion that Advocate Curlewis is right in his conclusion: "That, whereas the Government had knowledge of the circumstances and silently acquiesced therein, it cannot now allege that it was defrauded by its agent, and in consequence end the agency, because of the improper conduct of the agent." In any case, he who bases a claim on fraud must come to Court with a pure and clear case, and this the Government cannot do, because, as I have shown, the *primâ facie* impression of the facts is strongly against it.

In how far the Government, apart from the question of fraud, can object to rights granted to third parties, in reckoning the 20 per cent. of the profits due to it, I shall consider when I come to the question of reckoning.

II. Delay in Completing the Factories.—I now come to a much more important point, namely, the questions connected with the non-fulfilment of the contract with Vorstmann in terms of the Volksraad Regulations.

On September 1 to 5, 1893, the Volksraad passed certain regulations relating to the State monopoly for the manufacture, the sale, the dealing in, and the import and export of powder, ammunition, dynamite, and other explosives. These regulations were in the form of an instruction to the Government whereby the latter, as Executive agent of the Raad, was given the power to invest certain person or persons with the exclusive right to manufacture, &c., said explosives, and the conditions under which the Government could depute that right were narrowly defined, *inter alia*, there appear there three Articles in the regulations, whose correct interpretation in my opinion is decisive for the whole case.

"Art. 9. The quality and quantity of all manufactured articles must be in accordance with the needs and desires of the Government and the public in the South African Republic, and the articles must for each sort be of the best quality.

"Art. 10. The Government, with advice and consent of the Executive Council, may give instructions within the shortest possible time, but at the utmost within two and a half years, for one or more factories to be erected, to complete and to bring into working order for the manufacture of dynamite and other explosives of such nature and consistence and in such quantities as the needs and demands within the South African Republic may create or require, and that under the following regulations, &c.:

"Art. 15G. If the above-named persons do not comply with any of the stipulations agreed with the Government, the latter can cancel such agreement."

Before coming to the facts of this case, it will be necessary to consider and determine the real application of these three articles, because it is just upon this weighty point that I have to differ with the other legal counsel.

The question then is this: Under Art. 15G it is stipulated that, in case the concessionaires do not comply with any of the stipulations agreed to with the Government, the Government *can* cancel such agreement. The word "can" is used in contradistinction to "shall," and in place of its being made obligatory for the Government to cancel the concession in case of non-fulfilment, a discretion is distinctly allowed thereanent. This is, however, acknowledged, and the only point upon which difference of opinion exists concerns the extent of the discretion. The legal advisers, for instance, are of opinion that the discretion does not extend to the subjects falling under the said Arts. 9 and 10 of the regulations. And this explanation they base somewhat upon the following reasoning: The Volksraad had the time wherein the factory must be completed fixed as an irrefragable condition of any contract that might be made, and the same holds good with regard to the condition that enough material must always be manufactured to meet the demands of the Government and the public. On this point the Raad has expressed its will in the most unequivocal manner, and it would be ridiculous, after the Raad had stipulated such strict conditions for the contract, that they should still be left to the caprice of the Government. Indeed, ask the lawyers what would be the use of drawing up any regulations and to give instructions to the Government were the whole or part non-fulfilment thereof left to its arbitrary discretion. They arrive thus to the conclusion that the discretion given to the Government under Art. 15G cannot touch or effect the points under Arts. 9 and 10 of the regulations. Although there is something to be said for this contention, I am still respectfully of opinion that the lawyers have been misled upon this point. My opinion I base upon the following grounds:—

a. The logical consequence of their interpretation is that the discretion given to the Government under Art. 15G is confined only to such conditions as are not stipulated for in the regulations. In other

words, those that the Government on its own initiative might place in the contract, because, naturally, if its discretion cannot touch the points stipulated in the regulations, they can only have reference to points not dealt with in the regulations, though introduced by the Government into the contract. And in order to make the object in Art. 15G clear, the Raad ought to have said: "If the above-named persons do not comply with any of the stipulations, above and besides those herein dealt with, and which, although not herein set forth, nevertheless agreed to with the Government, then can the latter cancel such contract." It can be seen how unnatural such an interpretation is; it quite reverses the *primâ facie* signification and contention of Art. 15G, and brings therein an exception whereof there is no question. So long as a natural and reasonable interpretation can be given of Art. 15G, this unnatural explanation must be removed, in accordance with the common rules of the law interpretation. That such a natural interpretation can be given, Sub. *d* will show.

b. Another objection weighs still heavier against the opinion of the lawyers. It was the plain and express intention of the Raad to lay down in these regulations the stipulations to be embodied by the Government in the contract to be eventually made. When thus in Art. 15G the Raad speaks of stipulations agreed to between the concessionaire and the Government, the stipulations already contained in the regulations, *inter alia*, Arts. 9 and 10 thereof, are also plainly intended. If this is not so, then we come to the nonsensical conclusion that the Volksraad did not intend that these regulations should be embodied in the contract to be concluded between the Government and the concessionnaire.

c. This unsound interpretation of Art. 15G makes the said Article absolutely senseless and purposeless. The Government has naturally the right to add other terms to the contract than those stipulated by the Raad; should these terms be essential and be broken, the Government has naturally the right of cancellation, and it was unnecessary and purposeless to stipulate this in a special Article of the regulations. Now, it is an acknowledged principle of law interpretation that an explanation, where possible, must not be explained in such a way, that it becomes useless and senseless, for that assumes that the maker of the explanation (in this case the Raad) did not exercise its best sense in making or drawing up the explanation; and on this point I strongly doubt whether a Court would attach the faulty interpretation to Art. 15G.

d. I now come to what I think to be the true meaning and intention of Art. 15G. Here it must be kept in view that, where possible, all the regulations must be taken and explained in connection with each other; they form a whole and not fifteen Articles separate from each other. And where an explanation, based on the presumption that the various Articles are mutually agreed and connected, leads to a tenable result, then must such interpretation be accepted as the correct interpretation of such Articles. Starting from this standpoint, it appears to me that in Arts. 9, 10, and 15G of the regulations, the Raad had in view, and intended that, namely, certain conditions in the contract with the future concessionaire should be embodied; that no other conditions, with regard to the points concerned should be agreed to, that the period of completion in Art. 10, and the compliance with all needs and requirements according to Art. 9 in the contract, should be embodied without any alteration. In this manner must the contract be made; but the question remains still, in what manner should that contract be carried out? Had nothing been said with regard to the last question, then everything in conflict with Arts. 9 and 10 would, *ipso facto* make the contract null and void, for a contract made beyond the competency of one of the contracting parties is powerless.

In the regulations, Art. 15G, the Raad has, however, avoided this by making an express stipulation in regard to the performance and observance of the contract. Actually the Raad has said to the Government: "You may make a certain contract; in the contract there must be certain terms embodied; however, when these terms are embodied, but are not observed, we leave it to your discretion to cancel the contract or let it continue to exist."

When this interpretation is taken in connection with the peculiar position of Raad and Government, of principal and agent in this matter, then becomes the reasonableness thereof still clearer.

In all cases the Volksraad is a body that can lay down laws and regulations easily enough, but can with difficulty rule or control the observance or performance thereof; it is not in a position to decide upon special circumstances arising, and has not also ordinarily the circumstances before it necessary to a just decision, and especially in this case was it reasonable for the Raad to leave the performance of this contract in the hands of the Government. There was to be a great work to be established within a given time, and it would not only have been uncommon, but even unreasonable, if the contract were declared cancelled, and all the completed work made worthless—if, for instance, the contractor was behind a few weeks or even months.

The requirements of reasonableness, as well as the strict technical rules of law interpretation lead me to the conclusion that in this case it was really the intention of the Raad to give the Government discretion with regard to the performance of the contract to be closed, even on those points, falling under Arts. 9 and 10 of the regulations. It was the intention of the Raad to get a proposed contract, but not that the non-observance thereof should make it void; in such case the Raad intended that it was for the Government to decide whether, under the circumstances, the contract should be or not be cancelled.

If this interpretation (which I respectfully submit) is the correct one, then it is very easy to decide upon the facts.

What are now the facts? On October 25, 1893, a contract was concluded between E. G. Vorstmann and the Government, whereby Vorstmann obtained the carrying out of the monopoly for the manufacture of explosives in the South African Republic, under the conditions, *inter alia*, contained in Arts. 9 and 10. On May 24, 1894, this contract was in some important respects amended; and on June 8, 1894, the concessionaires asked for an extension of time wherein the factory must be completed, while on July 14, 1894, the Government granted the request, and stipulated that the period of two and a half years should begin on May 24, 1894, instead of October 25, 1893. Under the extension it was not necessary that the factory should be completed before November 24, 1896. On September 14, 1894, however, the Government applied to the Raad with a request for an extension of the two and a half years laid down in the regulations, but the Raad refused emphatically to grant such extension, and instructed the Government to act strictly in accordance with the regulations. The Volksraad resolutions do not actually bring about any change in the position, for as the Government was instructed to act according to the regulations, the question always remained what the intention of the regulations was.

What was then the effect of the extension granted by the Government? Simply the following: The Government had, namely, the right, under the regulations, as already shown, on non-completion of the factory within two and a half years from October 25, 1893, either to cancel or to leave it untouched. Had it decided to cancel the contract, then notice to the concessionaire was necessary, as cancellation depended on its discretion, and the exercise of this discretion had to be made known to the concessionaire. This notice is also required in terms of Art. 12 of the contract.

Instead, however, of exercising this right of cancellation and giving notice thereof, the Government, in the exercise of the discretion entrusted to it, granted an extension, and to the present day it has never given notice to the concessionaire of its intention to cancel the contract. Through this action of the Government in terms of Art. 15G of the regulations the Raad is also bound, and the right of cancellation has never arisen. Not only has the Government foregone its right of cancellation, but has also granted to the concessionaire the right to erect still more factories (per Executive Council resolution of October 14, 1896), which the concessionaires have done and are still busy doing. There can thus exist no reasonable doubt that the Government is prevented from cancelling the contract, and action from its side can be thrown out on the exception *exceptio doli mali.*

I have tried to speak on this point without the resolution of the First Raad *in re* the Jeppe report of February, 1897. That resolution approved of the recommendation of the Commission, namely, that the occurrences at the end of 1895 and the beginning of 1896 could be reasonably taken into consideration when the Company was accused of not having observed its obligations. This resolution is clearly ambiguous, but in many respects it can be considered by the Government as a condonation of the neglect of duty by the Company, taking for granted that the Company did neglect its obligations in respect of the building of the factory. The Volksraad accepted, namely, that the occurrences of the Jameson Inroad formed a sort of ***vis major***, which kept the concessionaire back from the close observance to time of his obligations.

III. Manufacture of Insufficient Quantity of Explosives.—The same argument also holds with regard to the observance of Art. 9 of the regulations. On October 14, 1896, the Executive Council decided practically that the manufacture of 80,000 cases of dynamite per year would be a sufficient compliance with the needs of the public and the Government, and it gave the concessionaires the right to erect further factories within a further term of two and a half years. The factories necessary for the manufacture of the said 80,000 cases were completed before November 24, 1896. It appears, however, that even on that date 80,000 cases were not sufficient; indeed, the concessionaire obtained further instructions for the erection of more factories, and in the following year he himself notified the Government the factories could not comply with the public demands. Now can it be asserted that Art. 9 of the regulations have not been observed; that the quantity of the manufactured material was not in accordance with the public demand is apparent, and thus that the Government had the right to cancel the contract?

In answer hereto I need only show that also in this respect the Government had a discretion; that it exercised this discretion by passing the resolution of October 14, 1896, and that the Government, as well as the Raad, is bound thereby. In this case is it especially reasonable to accept that the concessionaire can rely on the estimates furnished by the Government; for who has a more intimate knowledge of the public needs than the Government of the country? Also, it must not be lost sight of that both the Government and concessionaire were astounded by the enormous growth of the public needs for dynamite since the original agreement, and it can thus be well understood why the Government was desirous to deal reasonably with the concessionaire, and to meet him instead of cancelling the contract.

In any case was a demand (the interpellation of the common law) absolutely necessary in order to place the concessionaire in *mora* before an action could be commenced. The demand was not only necessary according to common law, but also according to express agreement.

Art. 12 of the agreement reads:—

"If the agent, through his own action, fault, or neglect, fails to perform the conditions of this agreement, after being warned in writing to do so, and after a period of compliance of six weeks at the uttermost, the Government shall have the right to cancel this agreement. If the neglect or failure is due to to wilfulness, the Government shall have the right of cancellation of this contract without any notice."

It is now also too late to make this demand or notice. Other factories have since been built with the consent of the Government, and through its act and its permission the Government is now prevented from cancelling the contract for non-fulfilment of Art. 9 of the regulations in 1896 and 1897.

J. C. SMUTS,
State Attorney.

Pretoria, October 20, 1898.

(Translation.)

Department of Foreign Affairs,
Government Office, Pretoria,

HONOURABLE SIR, March 9, 1899.

I HAVE the honour to acknowledge the receipt of your letter of the 6th February last, in which was enclosed a despatch from Mr. Chamberlain to His Excellency the High Commissioner, dated 13th January, 1899, with reference to the State Monopoly of Explosives in this Republic.

2. In paragraph 5 of that document, it is stated that Her Britannic Majesty's Government is advised that "the creation of a monopoly in favour of the State is not "necessarily inconsistent with Article 14 of the London Convention, even when exercised "by a Concessionnaire, provided that the concession is intended in good faith to benefit the "State generally, and not simply to favour the Concessionnaire."

On considering the question as to whether the Monopoly, as exercised under the existing contract, is for the benefit of the State generally, or for the benefit of the Concessionnaire, Her Britannic Majesty's Government arrives at the conclusion that the benefit is on the side of the Concessionnaire, and, consequently, that the said Monopoly is in conflict with the London Convention.

3. No reasons are stated as to how Her Britannic Majesty's Government have arrived at this last conclusion, a conclusion which is not clear to this Government, and which does not agree with the opinions obtained by it. According to these opinions, neither the contract for the manufacture of explosives, nor the manner in which it is carried out, is in conflict with the 14th Article of the London Convention. The spirit and aim of this Article is clearly to the effect that strangers sojourning here will enjoy and be subject to the same trading rights and obligations as Burghers, which is the case under the existing State Monopoly.

4. As Mr. Chamberlain admits, the Republic has the right to create a State Monopoly for the manufacture of explosives, and to allow it to be carried out by a Concessionnaire. As long, therefore, as the manufacture is a bonâ-fide manufacture (as in the present instance), the Republic is acting quite within its rights, and has exclusively the right to specify on what conditions that manufacture shall take place.

5. This Government cannot admit that in this matter the question as to whether the Concession was intended in good faith to benefit the State generally, and not simply to favour the Concessionnaire, is of consequence. But, even should that point be of consequence (which in the opinion of this Government, as stated, is not the case), then this Government could still assert, with right, that only the Republic itself can and must decide what is best for itself, and that in that decision, financial considerations must not alone be consulted, but all circumstances which are or could be of importance to the country. The standard by which the interest of the State in the retention of a Monopoly should be measured, is not so much the greater or less sum of money which the Government derives or may derive direct from the Monopoly, as the benefit and the welfare which the State would miss if the Monopoly did not exist, or were cancelled. The Government of the South African Republic is entitled to have its own views as to what, in connection with the Monopoly, is in the interest of the country.

6. The monopoly in ammunition and explosives in this Republic arose regularly from lawful conditions, of which the Grondwet of 1858 already contains the first regulation, and on which foundation everything has been built in this matter. Other considerations of State interest than simply pecuniary benefit have prevailed with the Volksraad and the Government.

State monopolies exist which bring in large sums of money for the State, but, in the opinion of many, in no way tend "to benefit the State generally"; for instance, the opium monopoly. But, on the other hand, monopolies are conceivable which yield trifling direct pecuniary benefits and yet serve in a high degree the State interests.

The Government does not intend, by the foregoing, to admit that the existing monopoly is pecuniarily in favour of the concessionaire exclusively. If this were now in question, it could show that the conclusions of Mr. Chamberlain on this point are not correct, and that the pecuniary profits of the State do not compare unfavourably with those of the concessionaire.

8. It is not clear to this Government in what degree its gift of 5/- per case of dynamite to the mining industry makes the State monopoly less bona fide. Arguing according to the principle laid down in paragraph 5 of the despatch now under reply, it could even be objected that the surrender of 5/- per case *is* "to benefit the State generally." Even if the Government wished to make a present to the mining industry of *all* its revenue from the monopoly, no one could make this a matter of reproach to them, or assert that it thereby ceased to be a bona fide State monopoly.

9. In different paragraphs of the aforesaid despatch under reply, quotations are made from Commission Reports. On this point this Government wishes to remark that Mr. Chamberlain himself does not always acknowledge the correctness of those Reports, and uses the strong expression, "singularly ill-informed" in connection with them. Apart from the question of whether Mr. Chamberlain has always rightly understood those Commission Reports, and of whether those Reports are not sometimes the outcome of incorrect or incomplete information (questions into which the Government does not wish to enter), the Government will confine itself to remarking thereon that it is apparent, from Mr. Chamberlain's letter, that it is dangerous to accept unconditionally the facts mentioned therein. Furthermore, those Reports treat of a state of affairs such as previously existed, and not such as at present exists. And only this last mentioned is of actual interest here.

The proposed reform of the existing contract would be an encroachment on existing and established rights and thus directly destined to exercise an injurious influence on the good name and the welfare of this Republic.

10. On the above grounds, this Government is of opinion that Her Britannic Majesty's Government are not entitled to a protest such as now formulated by it.

I have, &c.,
F. W. REITZ,
State Secretary.

His Honour Conyngham Greene, C.B.,
British Agent, Pretoria.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 8, 1899.)

Government House, Cape Town,
March 22, 1899.

SIR,

WITH reference to my despatch of the 15th instant,* respecting the Dynamite Monopoly in the South African Republic, I have the honour to transmit to you copies of further communications which I have received from Her Majesty's Agent at Pretoria on the subject.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 4.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

March 14.

A FRESH proposal from Dynamite Company to Government is announced to-day, namely, to fix price as in former offer at seventy shillings and ninety shillings for dynamite and blasting gelatine, respectively, provided Government does not reclaim his five shillings which they now forego, otherwise price per case will be increased by that amount. The stipulation for a fifteen year extension is withdrawn, but should the above be agreed to, it is understood that Government undertake to take over factory at expiration of present contract at a price to be mutually agreed, or failing that, by arbitration. Company retain right to claim preference should Government release or sell factories. Clause respecting importation of explosives by Government is omitted.

(GREENE.)

Enclosure 2 in No. 4.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

March 15.

DEBATE on amended proposal of Dynamite Company was concluded yesterday, when Raad resolved, by 15 to 13 votes, to reject offer, and referred matter back to the Government with instructions to act in strict accordance with the resolution of Raad of November, 1897.† A proposal made by member for Johannesburg for production of the other legal opinions referred to in State Attorney's recent report was defeated.

(GREENE.)

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* No. 3.

† *See* par. 12 of No. 1.

No. 5.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, April 21, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 15th ult.,* transmitting a copy of the reply of the Government of the South African Republic to the representations made in my despatch of the 13th of January,† on the subject of the Dynamite Monopoly.

I do not find that that reply in any way meets the arguments contained in my despatch, and I request that you will instruct the British Agent at Pretoria so to inform the Government of the Republic, and to intimate to them that Her Majesty's Government adhere to their protest and reserve their rights in the matter.

I have, &c.
J. CHAMBERLAIN.

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.35 p.m., May 22, 1899.)

TELEGRAM.

22nd May. Your despatch 21st April,‡ dynamite, has been communicated to South African Republic Government. British Agent in South African Republic telegraphs that he has received answer to it consisting of two sentences in which they state that they abide by the views expressed in their note of 9th March§ and especially by paragraph 10.

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* No. 3. † No. 1. ‡ No. 5. § *See* pp. 14–16.

APPENDIX I.

(Reprinted from the Johannesburg "STAR," Friday, November 5, 1897.)

THE DYNAMITE WAR.

REGULATIONS VERSUS CONTRACT.

Allusion has so frequently been made to the discrepancies to be found in the contract entered into between the Government and Mr. L. G. Vorstmann, dated October 25, 1893, and the Volksraad Regulations in accordance with which the contract was supposed to have been drawn up, that for general information we now print the regulations and the contract.

VOLKSRAAD REGULATIONS.

The following are the regulations as adopted by the Volksraad:—

1. The monopoly of the manufacture, trading in, and sale of powder, ammunition, fireworks, and all other explosives of every description, remains with the Government of the South African Republic.

2. Importation of all explosives is allowed to everyone after having obtained a written permit from the Government; and upon the payment of a maximum special duty of 9d. per lb. on dynamite or other explosives, unless importation is forbidden as mentioned in Article 3.

3. The Government, with the consent of the Executive Council, is empowered to make regulations concerning the importation of, issue, and sale of powder, ammunition, dynamite, and other explosives, and, when it appears desirable, to forbid importation.

4. The Government, with the advice of the Executive Council, has the power to transfer the monopoly for the manufacture, importation, and sale of powder, ammunition, fireworks, and all other explosives to other persons.

5. The persons to whom the Government may transfer such monopoly shall take over from the Government the land, buildings, machinery, and all appliances, dwelling-house, furniture, &c., at present known as the Powder Factory, on the farm Baviaanspoort, district Pretoria, of which the Government is the owner, at an annual rental of not less than £3,760, payable quarterly, and shall be obliged to keep all the machinery, buildings, &c., in good order, and eventually redeliver them to the Government in good condition, the customary wear and tear and depreciation in value excepted.

6. The maximum price of powder of every description shall not exceed 1s. 6d. per lb.; and cartridges shall not be higher than the price for which they can be imported from Europe and elsewhere, taking the import duty into account. All prices shall be reckoned as cash prices. The prices stipulated here for gunpowder and other ammunition shall be fixed for a period of three years. After the expiration of that period the prices shall be fixed for a period of three years, and so on in the future, at the end of every three years. At the time when prices are fixed the general European market prices of the same articles shall be taken as a basis, and should the European prices rule higher or lower since the last previous fixing, the Transvaal prices shall be correspondingly raised or lowered. The maximum price for dynamite shall be reckoned as follows:—

For dynamite known as	No. 1	£5	0	0
" " "	No. 2	4	7	0
" " "	No. 3	3	15	0

Per case of 50 lbs. nett.

Other qualities of dynamite and other explosives shall not be charged at higher prices than in comparison with their power and value as compared with the foregoing, which shall always be subject to the approval of the Government of the South African Republic. These shall be cash prices, without discount, goods to be delivered at the factory in quantities of not less than 100 cases. The prices of dynamite and other similar explosives are fixed for a period of eight years. After the expiration of eight years, should the European prices rule higher or lower than those stipulated in these regulations, the above prices shall be proportionately raised or reduced.

7. Should it be shown to the satisfaction of the Government that the materials required in the manufacture of the explosives have increased in price subsequent to the issuing of these instructions to such an extent that the cost of manufacture would thereby be materially affected, the maximum prices laid down in Article 6 may be increased (so as to compensate for the increased prices), by the Government, with the consent of the Executive; and also when the price of these materials falls, the Government shall have the right, with the consent of the Executive Council, to reduce the maximum prices laid down in Article 6 by the same amount as the prices of these articles shall have fallen: this increase and reduction of prices shall only hold good during the time of the increase or decrease in the price of the materials.

8. Provision shall be made that the buildings or the factory, belonging to the Government, shall not be endangered by the manufacture of powder, or other explosives, and the above-mentioned persons shall be responsible to the Government for any damage done to the buildings, or any loss the Government may sustain in connection with the buildings.

9. The qualities and quantities of all articles provided shall be in accordance with the needs and requirements of the Government and the public of the South African Republic, and the articles, of every description, shall be of the best quality.

10. The Government, with the advice and consent of the Executive Council, shall give instructions that one or more factories shall be completed and brought in working order within the shortest possible period, and at the utmost within two and a half years, for the manufacture of dynamite and other explosives of such nature and such quantities as the needs and requirements within the South African Republic may demand, subject to the following conditions:—*a*. In the said manufacture, all necessary raw materials procurable within the territory of the Republic shall be used, providing such raw material can be found in quantities and of such quality as shall not be prejudicial to the manufacture, or hinder it. *b*. No explosives of any description shall be imported by the agents, except under the provisions of Article 2. *c*. Should it appear that materials required for the manufacture of powder or explosives that can be found in sufficient quantity in this Republic are imported from elsewhere, a special duty may be imposed by the Government, acting with the consent or advice of the Executive Council, or by the Volksraad, for the purpose of stopping such importation.

11. The Government shall require from the agents to which it may delegate the execution of these instructions, apart from the rental of the factory as described in Article 5, not less than £3,760 per annum, the sum of 5s. for each case of dynamite or other similar explosives sold (with the exception of the matters referred to in Article 6), weighing 50 lbs. net, and sold by them. Above this the Government shall be entitled to 20 per cent. of the profits.

12. No patent of invention for any discovery of any explosives shall be granted, after the issuing of these instructions, except with the express consent of the Government, and subject to such conditions as the Government, with the advice and consent of the Executive Council of the South African Republic, may find good.

13. In case any explosive already known, or discovered subsequently, shall be required in the Republic, and should the persons referred to above be unable, or be unprepared, to supply such explosive, or cause it to be imported, or manufactured, the importation to take place under the conditions of Article 2.

14. The Government is empowered to exempt persons employed in the execution of these instructions from war service, commando, or field service.

15. The Government shall reserve to itself:—*a.* The right to withdraw the agency for the manufacture of powder, cartridges, dynamite, &c., from the persons afore referred to, should the interests of the State require it. In that case the Government shall be obliged to take over from the agents such provision as they have made for storage and sale, and such contracts as they may previously have made for the supply of the above-mentioned articles, but only such contracts as shall at the offset have been approved by the Government, with the consent of the Executive Council. *b.* The right to sell dynamite or other similar explosives (powder and ammunition not included), in case such explosives have been purchased for certain purposes and subsequently found unnecessary. *c.* The right to forbid the exportation of all these articles in case political circumstances, for example the obligation of neutrality, require it, and the right to limit the issue of such explosives, or to stop the issue altogether, as may appear desirable. *d.* The right to have all orders given by the Government executed before all others. *e.* In case the persons above mentioned fail to supply the necessary material ordered by the Government, within the stipulated time, or in case the articles supplied are not of the required quality, and the Government may have need for such articles at the time, the Government has the right to procure such articles elsewhere, at the expense of the above-named persons. *f.* Should the above-mentioned persons fail to execute an order given by the Government within twelve months, the Government has the right to withdraw the agency for the execution of this monopoly, unless the cause of failure or delay is to be ascribed to war, or higher power. *g.* Should the above-mentioned persons fail to comply with any of the regulations agreed upon with the Government, the latter has the right to cancel the agreement.

16. The agreement entered into between the Government and any persons as above mentioned shall exist for not longer than fifteen years.

17. In the meanwhile, previous to the completion of the factory, the Government itself may import dynamite or other explosives, which the Government may deem necessary for the requirements of the country, and shall make the necessary arrangements concerning such importation. These arrangements, however, shall not be for a longer period than two and a half years.

The Contract.

On October 25 the following contract was entered into between the Government and Mr. L. G. Vorstmann:—

The State Monopoly.

Contract between the Government of the South African Republic and Lambertus Gerardus Vorstmann, of Pretoria, concerning the carrying out of the State monopoly for the manufacture, sale, trade, and import and export of gunpowder, ammunition, dynamite, and all other explosives.

The Government of the South African Republic, acting with advice and consent of the Executive Council, in accordance with resolution, dated October 9, 1893, Article 573, being truly and lawfully represented by the Honourable the Acting State Secretary, Mr. Cornelis van Boeschoten, who, in its name, subscribes the same and has been authorised to conclude this agreement, by resolution of the Honourable the First Volksraad, dated September, 1893, hereinafter to be named the Government, on the one part, and Lambertus Gerardus Vorstmann, of Pretoria, of the other part, have agreed as follows:—

Article 1. The Government appoints the second undersigned, to the exclusion of all other persons, as the sole agent for the carrying out of the monopoly for the manufacture, the importation and exportation, the trade in the sale of gunpowder, fireworks, ammunition, dynamite, and other explosives of whatsoever nature. The Agent shall have the right to establish a company for that purpose.

Article 2. The duration of this agency shall be for fifteen years from the date of this agreement.

Where nothing is said in this agreement, the regulations laid down by the resolutions of the Honourable the First Volksraad, dated September 1 to 5, 1893, above-mentioned, and copy of which is annexed, shall be binding.

Article 3. The Government undertakes that if it issues permits to persons, as mentioned in Article 2 of the regulations, the following conditions shall be of force,—

a. Permits shall only be issued to persons or companies who have given a declaration in writing that they require the explosives only for their own use, and the quantity shall in no case be greater than for a consumption of three months.

b. No permits shall be of force longer than four months from the day of issue.

c. All explosives under such permits will be subject to a special import duty of 8½d. (eightpence-halfpenny) per lb. above the ordinary *ad valorem* duty.

d. The Government shall, on application concerning same, nominate to the Agent an official who will give him monthly information how many and to whom permits for the importation of dynamite, &c., have been granted, and whether and when such dynamite has been imported, in order to be able to take measures with respect to the quantities required for consumption.

Article 4. The rent of the gunpowder manufactory, as mentioned in Article 5 of the regulations, is hereby fixed at £3,750 per year.

The Government shall have the right to take the gunpowder manufactory at any time during the continuance of this contract against payment to the agent for the extraordinary improvements that have been

effected, and which have been approved of by the Government, provided these are serviceable, and the value they have at the moment of the taking over, wear and tear, &c., being taken into consideration.

In this case, the payment of the rent shall only take place to the day of taking over.

Article 5. The maximum prices, as mentioned in Article 6 of the regulations, which the agent shall be allowed to charge shall be reckoned as follows:

For dynamite known as	No. 1	...	...	...	...	£4	15	C
Do.	do.	No. 2	...	...	...	4	5	0
Do.	do.	No. 3	...	...	...	3	15	0

The Agent shall, in supplying cartridges to the Government, be held and be obliged to charge no higher price than that for which the same can be imported from Europe, not including the import duties and the Government reserves to itself the right to supply the burghers of this Republic with such cartridges as it may deem fit, but only for own consumption.

Article 6. The Agent undertakes to erect the manufactories mentioned in Article 10 of the regulations at such spots or places as the Agent shall appoint in consultation with the Government, at the outside within two years and a half from the date of the signing of this contract.

The Agent undertakes to pay the rent fixed in Article 11 of the regulations, and the sum of 5s. on each case of dynamite sold, every three months, accompanied by duly certified statements, as well as an amount not exceeding 20 per cent. of the surplus. By surplus is understood the balance which remains after deductions of all cost, wear and tear, the usual writings off, and an interest of 8 per cent. (eight per cent.) on the capital.

The Agent shall be bound to keep proper books, in commercial style, as is customary in institutions of this nature, and the Government shall have the right at all times to cause those books to be inspected by an official, or person, or a commission of officials or persons, to be appointed thereto.

A proper balance-sheet shall be made up annually, whereby, in terms of this article, the surplus shall be shown. Thereafter a certified copy shall be sent to the Government, and the amount due to it shall be paid.

Article 7. The Government undertakes, with respect to the letters patent mentioned in Article 12 of the regulations, that the following stipulations shall be of force:—

In the event of the Government granting letters patent for any explosive, such letters of patent shall, however, not give the right to anybody else than to the Agent to whom the carrying out of these instructions is entrusted by the Government to manufacture the material therein mentioned, and to sell the same within the boundaries of the South African Republic.

Should the Government or the Agent deem it desirable to apply or bring into use the said invention, and should the Government in that case not be able to come to terms with the owner of, or the person entitled to, that invention with regard to the application of the same, then the parties (Government and Patentee) shall each nominate an arbitrator, whilst the third arbitrator, or umpire, if necessary, shall be appointed by the Chief Justice, whose decision shall be final.

Article 8. This agreement shall be of force within the territory of the South African Republic, in so far as it now extends or eventually may be extended.

If the territority of the S.A.R. should in the future contain districts or provinces in which provision already has been made with respect to the materials or substances which form the subject of the agreement, it will depend upon the Government whether these instructions will also be applied to the new districts or provinces.

Article 9. Should the Agent of the Government, during a defined period, not be able to satisfy the requirements for explosives within this Republic, in consequence of explosions, accidents, calamities, or other superior force and causes arising beyond the control or fault of the Agent, the Government may import these materials until the Agent shall be able to supply the required materials. In that case the Government gives to the Agent the preference for the carrying out of the same. The Agent shall be obliged, after any accident, as mentioned in this article, to place the manufactories again in working order within the shortest possible time.

Article 10. If the Government imports any explosive, as mentioned in Article 13 of the regulations, it gives the preference to the Agent to do such in its name.

Article 11. All persons employed by the Agent are hereby freed from personal military service on commando or in the field, provided their contracts are drawn up with the condition that the Government shall have the right at any time, if deemed necessary, to take over the contracts, and they bind themselves to serve the period of service with the Government.

Article 12. Should the Government avail itself of Article 15A of the regulations, it shall be bound to buy the explosives required in the country in terms of this contract from the Agent, costs of trade deducted.

The period in Article 15F of the regulations is hereby fixed at six months.

Should the Agent, by his own interference, fault, negligence, or default fail to carry out the conditions of this agreement, after having been required in writing to do so, and after having been allowed at the outside a period of six weeks to do so, the Government will have the right to cancel this agreement; if the default and neglect is to be attributed to malice, the Government will have the right to cancel this contract without any notice.

Article 13. The Agent is entitled to entrust the sale of the articles mentioned in this agreement to one or more persons.

Article 14. The Agent of the Government is obliged to pay import duties on the machinery and tools required in the carrying out of this agreement.

Article 15. The Government may prescribe measures of precaution or safety with reference to the transport and storage of the said materials.

The Government shall not hinder the export of these materials, except for reasons of danger to the State, or other weighty reasons.

Article 16. With reference to Article 17 of the Regulations, the Government makes the following arrangements with the Agent to the exclusion of everybody else:—

a. During the time that the manufactories to be erected by the Agent are not completed, the Government itself shall import all materials and substances required for the manufacture of dynamite and other explosives in the magazines of the Agent, and according to a tariff of prices, quality, and

quantity to be approved of by the Government, with this understanding, that this importation shall only continue during the time that the manufactory or manufactories shall not have been completed, and in any case not longer than during a period of two and a half years.

b. The Government shall place the said materials and substances at the disposal of the Agent for the manufacture, trade, and sale, according to the conditions above mentioned, and the Agent shall manufacture, trade in, and sell on the order and for account of the Government under the conditions above mentioned, in so far as they apply here.

c. The Agent shall send statements to the Government every month, detailing the manufacture, trade, and sale, and shall pay to it all moneys received for the sale thereof, from which, after deduction of 5s. per case, and the moneys paid by the Government for the materials imported, the balance shall be handed to the Agent.

Article 17. The Agent shall be obliged, within eight days after the signing of this contract, to give proper security for the due performance of the obligation to erect the manufactories mentioned herein, and the carrying out of the contract until the manufactories shall have been erected and shall be in working order, to an amount of £30,000, for which all his assets in this country shall be available, and proper deeds of hypothecation shall be passed.

Article 18. All disputes as to the meaning or reading of this agreement that may arise between the parties shall be decided, to the exclusion of the ordinary judges, by arbitrators as in highest instance, and shall be finally binding on the parties.

Should the parties not be able to come to an amicable arrangement with regard to the interpretation of this agreement, the one party shall give notice in writing to the other, and whatever the questions of dispute arising out of this agreement, they shall submit the same to the decision of the arbitrators.

The parties then shall each nominate an arbitrator, who, together, shall nominate a third. Decisions shall be given at the outside within three months. If one of the parties should not in good time appoint an arbitrator, or in the event of the two arbitrators not agreeing in the choice of a third, then the Chief Justice, or his substitute in the Supreme Court of this Republic, shall make a nomination, the parties having been heard or summoned.

Thus done and contracted at Pretoria this 25th day of the month of October, 1893, in the presence of the subscribed witnesses.

(Signed) C. VAN BOESCHOTEN,
Acting State Secretary.

(Signed) L. G. VORSTMANN.

Witnesses:

(Signed) W. E. HOLLARD.
(Signed) P. L. A. GOLDMAN.

APPENDIX II.

The ACTING BRITISH AGENT, PRETORIA, to the HIGH COMMISSIONER.

(Extract.)

Her Majesty's Agency, Pretoria, December 7, 1898.

I HAVE the honour to enclose herewith a translation of the Government's missive to the First Volksraad, respecting the proposed prolongation of the existing Dynamite Company's concession, in return for a reduction of five shillings in their price of dynamite as sold to the mining industry.

The present concession, published in the "Staatscourant" of May 30th, 1894, has over ten years yet to run, and the company have thus arranged with the Government to propose to the Volksraad a prolongation for 15 years beyond that time. Other clauses of the concession are to be so modified as to virtually put it out of the power of the Government to cancel the concession on any of the pretexts which at present form a menace to the Company's position. It is unnecessary for me to enter into details, as the enclosed missive sufficiently explains itself. The Volksraad declined, by ruling of the Chairman, to discuss this matter before the next February Session, and the question is therefore left in abeyance till then.

I may add that the very small reduction in price offered by the Company in return for prolongation, namely, five shillings out of a price of 75 shillings—when Nobel's Company have contracted to supply the Kimberley mines at 37s. 6d., plus duty—has induced the Transvaal mining industry to take the view that they would rather sacrifice the 5s. reduction now offered than enable the Company to obtain a prolongation for such a period as 15 years, with the attendant huge loss in price paid.

Enclosure in Appendix II.

(Reprinted from the Johannesburg "STAR.")

TRANSVAAL FIRST VOLKSRAAD, December 5, 1898.

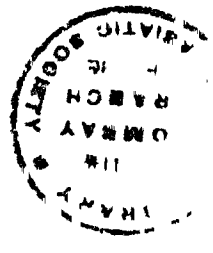
The Raad resumed in the afternoon.

The following proposal of the Agent of the Dynamite Company with reference to the reduction of the price of dynamite was laid on the table:—

In connection with the desirability, expressed by the State President, to reduce the price of dynamite and other explosives still further than has already been done, I have the honour to inform you (the Government) that my company is prepared to meet the Government in this matter, in so far that, and as long as, the annual sale does not decrease below 250,000 cases, and as long as the Government, in the interests of the mining industry, does not claim its share of 5s. per case, we are prepared to fix a price of 70s. per case of dynamite and 90s. per case of blasting gelatine, everything calculated per hundred cases, delivered at the factory. If the Government is prepared to accept the above-mentioned amendment, then it is understood and agreed between the Government and the Dynamite Company that: (1) When, at the expiration of the contract of May 24, 1894, the Government wants to expropriate the Dynamite Company's business, the

Government is entitled to do such, against an amount to be agreed upon by the two parties; and if the parties cannot agree, the amount shall be fixed by arbitration, as stipulated in Article 18 of the contract. If, however, the Government does not desire to expropriate the above-mentioned contract of May 24, 1894, it shall be tacitly extended by fifteen years. (2) That the last section of Article 12, of the contract, in connection with Article 15 of the regulations, is amended as follows:—In place of "if the agent, through his own fault, &c.," shall be fixed, "if the agent, through his own fault, negligence, or delay, fails to carry out any of the conditions in this agreement, and additions and amendments to same, the Government shall have the right at the first delay—with consideration of Article 18 of this agreement—to impose a maximum fine of £500 in case this delay is not overcome within six weeks after written notice from the Government; if such delay occurs for the second time, the Government shall have the right to impose a maximum fine of £1,000; at subsequent delays of the same conditions of this agreement, the Government shall have the right to amend or cancel this contract"; (3) That if Article 9 comes into operation, the Government shall import all necessary explosives, and place the same at the disposal of the company, against payment by the company of the costs made by the Government, and the Government shall in that case fix the selling price and commission of the agent. (4) In case the Government decides to expropriate, as fixed in condition No. 1, and thereafter wishes to sell or lease the factory, or otherwise, they, this company, shall have a preferent right to buy it, take it into lease, hire it, or otherwise, on the same conditions as any other person or other company.

SOUTH AFRICAN REPUBLIC.



CORRESPONDENCE

RELATING TO THE

CLAIM OF THE SOUTH AFRICAN REPUBLIC

FOR

DAMAGES ON ACCOUNT OF DR. JAMESON'S RAID.

Presented to both Houses of Parliament by Command of Her Majesty.

June, 1899.

Cy. S. 48

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SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

RELATING TO THE

CLAIM OF THE SOUTH AFRICAN REPUBLIC

FOR

DAMAGES ON ACCOUNT OF DR. JAMESON'S RAID.

No. 1.

HIGH COMMISSIONER LORD ROSMEAD to MR. CHAMBERLAIN.

(Received March 15, 1897.)

Government House, Cape Town,
February 20, 1897.

SIR,

I HAVE the honour to enclose, for your information, a copy of a despatch from Her Majesty's Agent at Pretoria, covering a statement of the claim advanced by the Government of the South African Republic for indemnification for damages in connexion with the Jameson raid.

2. This claim is divided as follows :—

	£	*s.*	*d.*
a. Material damages	677,938	3	3
b. Moral or Intellectual damages	1,000,000	0	0
Total	£1,677,938	3	3

and is stated not to include the lawful claims which might be made by private persons by reason of the action of Dr. Jameson and his troops.

3. The claim appears to me to be preposterous, especially as regards items 8 and 9 of claim "A" and the amount of claim "B."

4. It is difficult to see how the amount charged under item 1 of claim "A," viz., £136,733 4*s*..3*d*., could have been legitimately expended, unless the cost of feeding and clothing the commandoes is included in it. If this is so, taking the number of commandeered burghers at 10,000, which I believe to be a very liberal estimate, it follows that the amount which each man would receive under item 8 would be over £46.

5. Item 9 is, I presume, the expenses incurred by the Orange Free State in calling out a commando in accordance with their treaty obligations, and cannot, I think, be held to be a legitimate claim.

6. The amount of £1,000,000 for moral or intellectual damages is, in my judgment, altogether disproportionate, even if any claim on this account is held to be justifiable.

7. The despatch from President Kruger, dated the 25th February, 1896, which is referred to in the State Secretary's despatch, will be found on page 12 of Blue Book C.—8063.

I have, &c.,
ROSMEAD,
Governor and High Commissioner.

Enclosure in No. 1.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

MY LORD, Pretoria, February 16, 1897.

I HAVE the honour to transmit to your Excellency herewith a translation of a note which I have received from the Under Secretary of State for Foreign Affairs enclosing a note addressed to your Excellency by the State Secretary and containing a statement of the claim put forward by the Government of the South African Republic in connexion with the Jameson Raid.

I have, &c.,
CONYNGHAM GREENE.

His Excellency the High Commissioner.

(Translation.)

SIR, Pretoria, February 16, 1897.

MAY I request you to be good enough to forward to his Excellency the High Commissioner the accompanying note and annexes with reference to the claim of the South African Republic for indemnification for damages sustained with regard to the raid of Dr. Jameson and the troops of the Chartered Company.

I have, &c.,
E. VAN BOESCHOTEN.

His Honour Conyngham Greene,
Her Majesty's Agent.

(Translation.)

Department of Foreign Affairs.
Government Office, Pretoria,
February 16, 1897.

YOUR EXCELLENCY,

WITH reference to the despatch of his Honour the State President to your Excellency of the 25th February of last year and other correspondence relating to the same matter, I have now the honour in the name of this Government to forward herewith to your Excellency for transmission the claim of this Republic for indemnity to be given or caused to be given by the British Government for and in connexion with the incursion of Dr. Jameson and the troops of the Chartered Company at the end of December 1895 and the beginning of January 1896.

The claim, as your Excellency will perceive from the annexed statements, is divided as follows :—

Claim for compensation for—

a. Material damages.
b. Moral or Intellectual damages.

The Government wishes further to observe that in this claim are not included the lawful claims which might be made by private persons by reason of the actions of Dr. Jameson and his troops.

I have, &c.,
DR. W. J. LEYDS,
State Secretary.

His Excellency the High Commissioner,
Cape Town.

A.

SPECIFICATION of the COMPENSATION to which the GOVERNMENT of the SOUTH AFRICAN REPUBLIC lays claim for and in connexion with the incursion into the TERRITORY of the SOUTH AFRICAN REPUBLIC by DR. JAMESON and the TROOPS of the CHARTERED COMPANY at the end of December 1895 and the beginning of January 1896.

	£	s.	d.
1. Expenditure for military and commando services in connexion with the incursion, the sum of	136,733	4	3
2. Compensation to the Netherlands South African Railway Company for making use, in accordance with the concession granted to that Company, of the railway worked by it during the commando on account of the incursion of Dr. Jameson	9,500	0	0
3. Disbursements to surviving relatives of slain and wounded ...	234	19	6
4. For annuities, pensions, and disbursements to widows and children of slain burghers and to relatives of unmarried slain burghers, as also to wounded burghers, a total sum of...	28,243	0	0
5. Expenses of the telegraph department, for more overtime, more telegrams on service in South African communication, more cablegrams, &c.	4,692	11	9
6. Hospital expenses for the care of the wounded and sick men, &c. of Dr. Jameson	225	0	0
7. For support of members of the families of commandeered burghers during the commando	177	8	8
8. Compensation to be paid to the commandeered burghers for their services and the troubles and cares brought upon them	462,120	0	0
9. Account of expenses of the Orange Free State	36,011	19	1
	£677,938	3	3

B.

MORAL or INTELLECTUAL COMPENSATION to which the GOVERNMENT of the SOUTH AFRICAN REPUBLIC lays claim for and in connexion with the incursion into the TERRITORY of the SOUTH AFRICAN REPUBLIC by DR. JAMESON and the TROOPS of the CHARTERED COMPANY at the end of December 1895 and the beginning of January 1896.

One million pounds sterling (£1,000,000).

Department van Buitenlandsche Zaken,
Gouvernements Kantoor,
Pretoria, Februari 16, 1897.

EXCELLENTIE,

MET verwijzing naar de depêche van Zijn Hoogedele den Staatspresident, aan Uwe Excellentie, van den 25sten Februari, van verleden jaar, en andere desbetreffende correspondentie, heb ik thans de eer, uit naam dezer Regeering, Uwe Excellentie, ter transmissie toe te zenden, zooals ik hierbij doe, de vordering dezer Republiek, tot Schadevergoeding, door het Britsche Gouvernement te geven of te doen geven wegens en naar aanleiding van inval van Dr. Jameson en de troepen van de Gecharterde Compagnie in het laatst der maand December 1895 en het begin der maand Januari 1896.

De vordering is zooals Uwe Excellentie uit de bijgevoegde opgaven zal zien gerangschikt als volgt :—

Vordering tot vergoeding van—

a. Materieele schade.
b. Moreele of Intellectueele schade.

De Regeering wenscht nog op te merken, dat in deze vordering niet zijn opgenomen de rechtmatige vorderingen die geeischt kunnen worden, door private personen, wegens handelingen van Dr. Jameson en diens troepen.

Zijne Excellentie
den Hoogen Commissaris,
Kaapstad.

Ik heb de eer te zijn
Uwes Excellentie's dw. dienst.
Dr. W. J. LEYDS.
Staats Secretaris.

A.

SPECIFICATIE van de COMPENSATIE waarop de REGEERING van de ZUID-AFRIKAANSCHE REPUBLIEK aanspraak maakt, wegens en naar aanleiding van den Inval binnen het GEBIED der ZUID-AFRIKAANSCHE REPUBLIEK, door Dr. JAMESON en de TROEPEN van de GECHARTERDE COMPAGNIE, in her laatst der maand December 1895 en het begin der maand Januari 1896.

	£	*s.*	*d.*
1. Uitgaven voor militaire en commando diensten, naar aanleiding van den inval de som van	136,733	4	3
2. Vergoeding aan de Ned. Zuid Afrikaansche Spoorw. Maatschappij, wegens het in gebruik nemen, overeenkomstig de aan die Maatschappij verleende concessie, van den door haar geexploiteerden Spoorweg, gedurende het commando, wegens den inval van Dr. Jameson.	9,500	0	0
3. Uitkeeringen aan nagelaten betrekkingen van gesneuvelden en gewonden	234	19	6
4. Voor lijfrenten, pensioenen en uitkeeringen aan weduwen en kinderen van gesneuvelde burgers en aan betrekkingen van ongehuwd gesneuvelde burgers, zoo ook aan gewonde burgers, een total bedrag van	28,243	0	0
5. Onkosten van het telegraaf department, wegens meerderen overtijd, meerdere dienst telegrammen in Zuid Afrikaansch verkeer, meedere kabelgrammen, enz	4,692	11	9
6. Hospitaal onkosten wegens verpleging der gewonde en zieke manschappen, enz. van Dr. Jameson	225	0	0
7. Voor onderhoud van familieleden van opgecommandeerde burgers, tijdens het commando	177	8	8
8. Te betalen compensatie aan de gecommandeerde burgers, voor hunne diensten en de hun aangedane moeite en zorgen	462,120	0	0
9. Rekening van onkosten van den Oranje-Vrijstaat	36,011	19	1
	£677,938	3	3

B.

MOREELE of INTELLECTUEELE SCHADEVERGOEDING, waarop de REGEERING van de ZUID-AFRIKAANSCHE REPUBLIEK aanspraak maakt wegens en naar aanleiding van den inval binnen her GEBIED der ZUID-AFRIKAANSCHE REPUBLIEK door DR. JAMESON en de TROEPEN van de GECHARTERDE COMPAGNIE, in her laatst der maand December 1895 en het begin der maand Januari 1896.

Een millioen pond sterling (£1,000,000).

No. 2.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD ROSMEAD.

MY LORD, Downing Street, April 10, 1897.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 20th February,* forwarding a statement of the indemnity claimed by the Government of the South African Republic, on account of Dr. Jameson's raid.

The position of Her Majesty's Government in the matter has been indicated in my telegrams to you of the 31st December, 1895, and the 1st January and 5th March, 1896,† which have already been made public. I intimated that the British South Africa Company would have to make compensation in consequence of the unlawful act of its officer, and I stated, for the information of his Honour the President of the Republic, that Her Majesty's Government would be prepared to entertain any reasonable demands in this direction put forward by his Honour on behalf of the South African Republic.

* No. 1.

† C.—7933, pp. 5 and 9; C.—8063, p. 9.

Of the two heads under which the claim now before me is comprised, the second—a demand for one million pounds sterling on account of moral or intellectual damage—does not appear to Her Majesty's Government to fall within the above description, and they accordingly have to express their regret that they do not feel justified in presenting it to the British South Africa Company.

Her Majesty's Government fear that they may be compelled to take similar exception to certain of the items composing the first head, especially in view of the very short period which elapsed between the crossing of the frontier by Dr. Jameson's force and its surrender; but as it is apparent from the nature of the figures that the Government of the South African Republic have proceeded on very precise data in arriving at the various sums to which they lay claim, Her Majesty's Government, before offering any observations on this part of the claim, would ask his Honour to be so good as to furnish them with full particulars of the way in which the different items comprised in the first head have been arrived at.

I request that you will instruct the British Agent at Pretoria to address a communication in this sense to the Government of the South African Republic.

I have, &c.,
J. CHAMBERLAIN.

No. 3.

COLONIAL OFFICE to BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, February 4, 1898.

I AM directed by Mr. Secretary Chamberlain to request that you will remind your Directors that, in telegraphing to the High Commissioner on the 31st of December, 1895, on the subject of Dr. Jameson's raid into the Transvaal, he stated that "in any case the Company will probably have to pay a pecuniary indemnity for violation of territory and destruction of property by their officer," and again on the 1st of January 1896 he stated that, "Of course the British South Africa Company, however innocent, will have to make amends for this outrage" (*see* [C. 7933], pp. 5 and 9), and in March of the same year he caused the President of the South African Republic to be informed that, "With regard to the question of compensation for the recent raid, Her Majesty's Government have in earlier telegrams stated that they will be prepared to entertain any reasonable demands put forward by His Honour on behalf of the South African Republic" (*see* [C. 8063], p. 9).

In reply to the claim sent in by the Government of the Republic, which was presented to Parliament in March, 1897 (C. 8404), Mr. Chamberlain, after referring to the telegrams just quoted, observed that the claim of £1,000,000 on account of moral or intellectual damage did not appear to Her Majesty's Government to fall within the above description, and that they therefore did not feel justified in presenting it to the British South Africa Company. He proceeded to say that Her Majesty's Government might be compelled to take similar exception to certain of the items under the head of material damage, especially in view of the very short period which elapsed between the crossing of the frontier by Dr. Jameson's force and its surrender, but that as it was apparent from the nature of the figures that the Government of the Republic had proceeded on very precise data in arriving at the various sums to which they laid claim, Her Majesty's Government, before offering any observations on this part of the claim, would ask to be furnished with full particulars of the way in which the different items had been arrived at. To Mr. Chamberlain's despatch, which was dated the 10th of April last, no reply has yet been returned by the Government of the South African Republic.

It is, in Mr. Chamberlain's opinion, not desirable that the matter should be indefinitely delayed, and he therefore proposes to intimate to the Government of the South African Republic that, if they desire the claim to be considered, the particulars already asked for should be furnished at an early date. Before doing so, however, Mr. Chamberlain would be glad to receive any observations which your Directors may have to make on the subject.

I am, &c.,
FRED. GRAHAM.

No. 4.

BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received March 4, 1898.)

15, St. Swithin's Lane, E.C.,
London, March 4, 1898.

SIR,

I AM directed by the Board of the British South Africa Company to acknowledge the receipt of your letter of the 4th February,* intimating that the Secretary of State proposes to inform the Government of the South African Republic that the matter of the indemnity cannot be indefinitely delayed, and that, if they desire their claims to be considered, the particulars of the amount already asked for should be furnished at an early date.

It appears to my Directors that, having asked for details, Her Majesty's Government already occupy a strong position, and that if the Government of the South African Republic do not consider it desirable to comply with such a reasonable demand, they have no one but themselves to blame for any delay that may arise. The feeling of my Directors is therefore in favour of adhering to this position, but if, for political considerations, which are not known to my Directors, Her Majesty's Government should think it desirable to hasten the negotiations by an intimation of the nature referred to by the Secretary of State, my Directors acquiesce.

If, when the details asked for in Mr. Chamberlain's despatch to the High Commissioner of the 10th April, 1897,† are received, it is found, as probably will be the case, that some of the items claimed cannot be admitted, my Directors would suggest that the differences arising upon such items be referred to arbitration, provided that by the terms of the reference the arbitration be strictly limited to an adjudication upon the disputed claims, and an audit of the accounts of the expenses incurred from the time Dr. Jameson crossed the border until his surrender. The arbitrators should, it is submitted, be men chosen for their knowledge of accounts, or their judicial or commercial position.

In the absence of details the present does not appear an appropriate time to offer any criticism upon the claim intimated to the Government, and the Board will therefore reserve any observations.

In conclusion, my Directors wish to direct the attention of Her Majesty's Government to the serious expense incurred by the Company in consequence of the threatened invasion from the Transvaal into the territory of the Company at Tuli in the year 1892.

I am, &c.,
HERBERT CANNING,
Secretary.

No. 5.

COLONIAL OFFICE to BRITISH SOUTH AFRICA COMPANY.

Downing Street, March 12, 1898.

SIR,

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 4th inst.‡ regarding the claim for an indemnity made by the Government of the South African Republic on account of Dr. Jameson's raid, and I am to inform you that he has instructed the High Commissioner for South Africa to intimate to the Government of the Republic that if they desire the claim to be considered the particulars already asked for should be furnished at an early date.

I am to add that Mr. Chamberlain, as at present advised, does not think that any counterclaim can now be made on account of the expense incurred by the British South Africa Company in consequence of the threatened trek from the Transvaal in 1892.

I am, &c.,
FRED. GRAHAM.

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* No. 3. † No. 2. ‡ No. 4.

No. 6.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, March 12, 1898.

WITH reference to my despatch of the 10th of April last,* in which I requested you to ask the Government of the South African Republic to supply full particulars of the way in which the different items comprised in the first head of their claim for an indemnity on account of Dr. Jameson's raid had been arrived at, I have the honour to inform you that I do not consider it desirable that the matter should be indefinitely delayed, and I request that you will instruct the British Agent at Pretoria to intimate to the Government of the Republic that if they desire the claim to be considered the particulars already asked for should be furnished at an early date.

I transmit to you, for your own information, copy of correspondence† with the British South Africa Company on the subject.

I have, &c.,
J. CHAMBERLAIN.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 2, 1898.)

Government House, Cape Town,
SIR, April 13, 1898.

I HAVE the honour to enclose for your information with reference to your despatch of the 12th ultimo,‡ a copy of a despatch from Her Majesty's Agent on the subject of the claim of the Government of the South African Republic in connection with the Jameson Raid.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 7.

Her Majesty's Agency, Pretoria,
SIR, April 7, 1898.

I HAVE the honour to enclose copy of a note of to-day's date, which, in accordance with the instructions contained in Your Excellency's Despatch of the 1st instant, I have addressed to the Government of the South African Republic, calling attention to the desirability of furnishing at an early date particulars respecting the claim of this Government in connection with the Jameson Raid.

I have, &c.,
CONYNGHAM GREENE.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

Her Majesty's Agency, Pretoria,
SIR, April 6, 1898.

WITH reference to my note of the 3rd of May last year, on the subject of the claim of the Government of the South African Republic in connection with the Jameson Raid in December, 1895, and in January, 1896, I have the honour to state to you, by desire of the High Commissioner, that Her Majesty's Government do not consider it desirable that this matter should be indefinitely delayed, and I am accordingly to intimate to the Government of the South African Republic that, if they desire that the claim be considered, the particulars already asked for should be furnished at an early date.

I have, &c.,
CONYNGHAM GREENE.

To the Honourable
The State Secretary, Pretoria.

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* No. 2. † Nos. 3, 4, and 5. ‡ No. 6.

No. 8.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 28, 1898.)

[*Copy sent to British South Africa Company, July* 1, 1898.]

Government House, Cape Town,
May 9, 1898.

SIR,

WITH reference to my despatch of the 13th ultimo,* respecting the indemnity claimed by the Government of the South African Republic in connection with the Jameson Raid, I have the honour to transmit for your information a copy of a despatch from Her Majesty's Agent at Pretoria, enclosing the reply of that Government to the request made for detailed particulars of the claim.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 8.

Her Majesty's Agency, Pretoria.
May 6, 1898.

SIR.

WITH reference to my telegram of yesterday, on the subject of the indemnity in connection with the Jameson Raid, I have the honour to transmit to Your Excellency a translation of a note which I have received from the Government of the South African Republic, from which Your Excellency will observe that they are of opinion that the particulars already furnished as to the claim for an indemnity afford a perfectly reasonable basis for the consideration of the question by Her Majesty's Government, and express the hope that this may now take place.

The note further asks for an early intimation of the decision of Her Majesty's Government, and affirms the *bona fide* nature of the matter in question.

I have, &c.,
CONYNGHAM GREENE.

His Excellency Sir Alfred Milner, G.C.M.G., K.C.B.
&c., &c., &c.

(Translation.)

State Department, Pretoria,
May 5, 1898.

SIR,

I HAVE the honour to acknowledge receipt of your note of the 6th of April, announcing that Her Majesty's Government did not consider it desirable that the question of the claim for damages put forward by this Government in connection with the Jameson Raid should be indefinitely delayed, and requesting with reference thereto that the particulars already asked for may be furnished at an early date, in case this Government desires that the said claim should be taken into consideration.

In reply, I am instructed to inform you that this Government, having taken this request into consideration, is of opinion that the particulars already submitted offer an altogether reasonable basis for the consideration of the question by Her Majesty's Government, and that this Government trusts that such may take place, and that it may be informed as soon as possible of the decision of Her Majesty's Government without further insisting upon particulars about a matter which Her Britannic Majesty's Government will no doubt be good enough to regard as completely *bona fide*.

I have, &c.,
C. VAN BOESCHOTEN.

To Conyngham Greene, Esq., C.B.,
&c., &c., &c.,
Her Majesty's Agent at Pretoria.

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* No. 7.

No. 9.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

[*Copy sent to British South Africa Company, July* 1, 1898.]

SIR, Downing Street, July 1, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 9th May,* enclosing a copy of one from the British Agent at Pretoria covering the reply of the Government of the South African Republic to the request of Her Majesty's Government to be furnished with particulars of the claim for damages put forward by the Republic in connection with the Jameson Raid, in which they state that they are of opinion that the particulars already submitted offer an altogether reasonable basis for the consideration of the question by Her Majesty's Government.

2. As you are aware from my despatch of the 10th of April 1897,† Her Majesty's Government must decline to submit to the British South Africa Company any claim for moral or intellectual damage, being of opinion that the only claim which the Company can fairly be asked to meet is one for pecuniary damages actually sustained.

3. I can hardly suppose that the Government of the Republic are serious in expecting consideration of a claim for material damages for the enormous amount of over £600,000 alleged to have been spent in connection with a raid of 500 men which was finally defeated four days after they crossed the border, without furnishing full details.

4. It is usual in all such cases to supply details and vouchers as far as possible, and unless this information is supplied at an early date, Her Majesty's Government will be compelled to repudiate any further intervention in the matter.

5. The British South Africa Company have expressed their readiness on receipt of a proper statement of claim, with full details of actual expenditure incurred in consequence of the raid, to submit any difference of opinion as to particular items or amounts to the decision of an impartial Commission, but it is absolutely necessary in the first place that the principle on which the claim is to be made should be agreed upon, and that proper opportunity should be afforded of checking and verifying the figures, all of which, with the vouchers for payments made, must be in the possession of the Government of the South African Republic.

I have, &c.,
J. CHAMBERLAIN.

No. 10.

HIGH COMMISSIONER COX to MR. CHAMBERLAIN.

(Received December 10, 1898.)

SIR, Government House, Cape Town, November 23, 1898.

I HAVE the honour to transmit a copy of a despatch from Her Majesty's Acting Agent at Pretoria, enclosing a note from the State Secretary, respecting the indemnity claimed by the Government of the South African Republic in connection with the Jameson Raid, and commenting on the details now given of the claim for *material damage* suffered.

I have, &c.,
GEORGE COX,
Major-General,
Administrator and Acting High Commissioner.

Enclosure in No. 10.

(Extract.)

Her Majesty's Agency, Pretoria, November 12, 1898.

I HAVE the honour to enclose a translation of a note, dated on the 9th instant, which I to-day received from the State Secretary on the subject of this Government's claim to an indemnity on account of the Jameson raid.

The claim originally made by this Government for "moral and intellectual damages" to the extent of a million sterling—which Her Majesty's Government have already declined to consider, on the ground that such a claim does not come within the category of such reasonable claims as Her Majesty's Government expressed its willingness to consider—is again put forward, on general legal grounds, in the present note.

As regards the other part of the original claim (which remains at the same figure, namely, £677,938 3s. 3d.), on account of *material damage* suffered, the account is now divided up into nine separate headings, and accompanied by a more or less detailed

* No. 8. † No. 2.

specification of each heading; but no vouchers for sums actually expended are enclosed.

Heading No. 1 of the specification contains over one thousand entries referring to the names and totals of various tradesmen's accounts, &c., of which, however, the details are not now supplied. The payment of these accounts appears to have covered a period extending from the time of the raid in January, 1896, down to January, 1897; and the enormous sums apparently paid to some of the purveyors, especially at Pretoria, would lead one naturally to suppose that the supplies represented by these accounts covered also a period extending for many months after the four days that the raid lasted.

Heading No. 2 represents £9,500 paid as compensation to the Netherlands South African Railway Company, for the use of their lines. It is, however, not within my knowledge that traffic was suspended for more than a few hours, and then only on the short distance between Johannesburg, Pretoria, and Krugersdorp.

Heading No. 3 contains disbursements for the relatives of the few burghers killed and wounded—£235.

Heading No. 4 represents payments by way of compensation, which have not been actually made, but which this Government considers due, to the widows, children, or relatives of the five Boers who were killed, as also to the three Boers who were wounded, during the whole affair—namely, a sum of £28,243.

Heading No. 5 contains a lump sum of £4,692, representing sums disbursed in connection with telegrams sent in South Africa, and several cablegrams to Europe. As Government telegrams are not charged for in the Republic, I presume that the chief items must be for cablegrams to Europe.

Heading No. 6 contains actual disbursements for hospital expenses of Jameson's men—£225.

Heading No. 7 contains payments of £177 made to the families of burghers who left their homes to answer the call to arms during the raid.

Heading No. 8 represents a sum of £462,120, which it is proposed to allocate as compensation, at the rate of £30 each, to 15,404 burghers who, according to statistics in the Commandant-General's department, answered the general call to arms at the time of the raid, "for their services, and for the trouble and anxiety occasioned to them." Only a few hundred Boers saw any actual service during the four days of the raid; so by far the larger number of those fifteen thousand burghers merely held themselves in readiness to proceed to the front, in case the raid should not have been stopped as it was, on the fourth day.

Heading No. 9 contains a proposal to pay compensation to the amount of £36,011 19s. to the Government of the Orange Free State, for compensation to Free State burghers, who also answered the call to arms, in case assistance should be required by the Transvaal; for goods and waggons supplied by those burghers for this "Commando"; and for £1,599 of expenses actually disbursed by the Orange Free State Government.

The above items of the claim for "material damages" fall under two chief divisions, namely:—

(1) A sum of £151,563 4s. 2d., which is represented by the above headings numbered 1, 2, 3, 5, 6, and 7, for disbursements actually made, and for which one must assume that properly authenticated vouchers are in existence.

And (2) a sum of £526,374 19s. 1d., represented by the above headings numbered 4, 8, and 9, for compensation or payments, which have not yet been actually made, but which this Government considers rightfully payable.

The sum-total of these two chief divisions thus amounts to the sum originally claimed, or £677,938 3s. 3d.

(Translation.)

SIR, Department for External Affairs, Pretoria, November 9th, 1898.

I HAVE the honour to acknowledge receipt of your note of August 9th, enclosing copy of a despatch, dated July 1st, from the Secretary of State for the Colonies to the High Commissioner, respecting the claim which this Government makes to an indemnity on account of the Jameson raid in 1895-6. I have now the honour to inform you that this Government regrets that, notwithstanding the repeated requests for a settlement of the claims made, Her Majesty's Government considers that they must continue to refuse to entertain any claims for moral and intellectual damages, and that only damages for actual material loss can be claimed.

This Government considers itself fully entitled to the moral and intellectual damages as well, not only on the principles of International Law, but also on the existing

theory and practice both of English and Roman-Dutch lawyers. This Government considers that, where one party (as in the case of the Jameson raid) purposely and forcibly injures the rights of another party, and tramples on and despises those rights, both English as well as Roman-Dutch judges would grant an indemnity to the injured party, on a basis, not proportionate to the actual loss suffered, but to the extent of the insult and the brutality of the non-recognition of another's rights.

That the Jameson raid was a cruel and brutal non-recognition of and breach of the rights of this Republic will be denied by nobody, and is a matter about which the public opinion of the civilised world has already expressed itself.

There can accordingly be no doubt about the justice of this Republic's claim to an indemnity reckoned according to a basis not only of material loss but also of abstract insult done.

This Government, considering itself justified both on grounds of justice and of reason, desires to appeal to the sense of right of Her Majesty's Government, to say whether this claim is justified and ought to be paid or not, and trusts that this claim may be again taken into consideration.

As regards the claim to an indemnity for material damage, Her Majesty's Government has requested to be furnished with details of expenses which were actually the result of the raid, and that these should be controlled and compared with the vouchers. This Government has no objection to supply details of all the expenditure actually made in connection with the raid; and is ready to submit to Her Majesty's Government a specification, showing all the details, and, further, to furnish any other information on this subject, so far as possible. The said specification is, therefore, enclosed herewith. Divisions 1, 2, 3, 5, 6, and 7 of the enclosed specification represent expenses actually incurred, while divisions 4, 8, and 9 are for compensation, to which this Government considers that it must make a claim, on behalf of its burghers and their relatives, and of the Orange Free State. From the specification it appears that the entries of payments made are of later date than the expenditure itself; this expenditure nevertheless was incurred in connection with, and as a result of, the raid; but the accounts were only sent in later, and were controlled, audited, and paid, receipts for these sums being in existence.

I have, &c.,

F. W. Reitz,
State Secretary.

Edmund Fraser, Esq.,
Her Majesty's Acting Agent,
&c., &c., &c.

Headings of Specification of the Indemnity.

	£	s.	d.
(1) Expenses of Military and Commando Services, in connection with the Raid	136,733	4	3
(2) Compensation to the Netherlands South Africa Railway Company, for the use, according to their concession, of the railway, during the Commando on account of the Jameson Raid	9,500	0	0
(3) Disbursements for relatives of the killed and wounded	234	19	6
(4) For annuities, pensions, and disbursements to widows and children of slain burghers, as also to wounded burghers, a total sum of	28,243	0	0
(5) Telegraph Department's expenses for overtime-work, several Service telegrams in South Africa, and several cablegrams	4,692	11	9
(6) Hospital expenses of the sick and wounded in Jameson's troop	225	0	0
(7) Maintenance of the families of burghers called up on active service during the Raid	177	8	8
(8) Compensation to be paid to burghers who answered the call to arms, for their services and for their trouble and anxiety	462,120	0	0
(9) Account of costs of the Orange Free State	36,011	19	1
Total	£677,938	3	3

1. Uitgaven voor Militaire en Commando diensten.

(1.) *Disbursements for Military and "Commando" Services.*

1896.			£	s.	
Januari	13	Van der Wall— Huur ossen, vervoer kanonnen ... ... *Hire of oxen and carriage of cannon.*		4	0 0
„	15	A. J. De Lange— Provisie Comdt. Erasmus ... ... *Subsistence for Commandant Erasmus.*		1	11 6
		J. M. Bronkhorst— 2 slachtossen commando ... ... *2 slaughter oxen, commandeered.*		16	0 0
		Bohlmann— Huur rijtuigen ... ... *Carriage-hire.*		3	1 0
„	20	W. A. A. Engelbrecht— 2 slachtossen commando ... ... *2 slaughter oxen commandeered.*		16	0 0
„	21	P. F. Zeederberg— Vleesch commando ... ... *Meat commandeered.*		92	14 0
		A. Johnston & Co.— Commando benoodigdheden ... ... *Necessaries for the commando.*		4,089	5 8
„	22	Grobler— Slachtossen commando ... ... *Slaughter oxen commandeered.*		191	10 0
„	24	J. Verhage— Beslaan paarden ... ... *For shoeing horses.*		169	0 0
		C. J. Joubert— 2 wagens, voer en ossen ... ... *2 waggons, transport and oxen.*		228	0 0
		Dezelfde (the same)— 12 slachtossen ... ... *12 oxen.*		96	0 0
„	27	L. A. Erasmus— 2 slachtossen ... ... *2 oxen.*		16	0 0
„	28	Smith and Petrie— Geweeren, hoefijzers, paarden beslaan ... *For rifles, horse-shoes and shoeing horses.*		88	0 0
		A. Stuart— Vervoer huizen renbaan ... ... *Carriage of tents to race-course.*		1	0 0
		A. Murray— Vervoer geweeren en prisoniers ... ... *Carriage of rifles and prisoners.*		2	13 6
		D. J. E. Erasmus— 20 slachtossen ... . *20 slaughter oxen.*		170	0 0
„	29	Lean Trallop— 2 slachtossen commando ... . *2 slaughter oxen commandeered.*		16	0 0
		D. J. E. Opperman— 5 slachtossen... ... ... *5 slaughter oxen.*		47	10 0
		Mej. A. J. Retief— Provisie burgers ... . *Provisions for Burghers.*		23	1 0
		J. P. Du Preez— Vervoer expressen ... ... *Carriage of Messengers.*		4	10 0
		J. P. Du Preez— Vervoer expressen ... ... *Do.*		0	9 0
		K. K. D. Hamman— Vervoer expressen ... . *Do.*		2	0 0
		Forward .. .. £		5,278	5 8

				£ s. d.
		Forward		
Januari	30	Lowestein en Mendelsohn—		
		Provisie en goederen commando ... ... *Provisions and goods commandeered.*		276 12 3
		Dezelfden (the same)—		
		Transport diensten ... ... *Cartage.*		7 17 0
		C. W. Hoffmann & Co.—		
		Voedsel vrijwilligers .. .. *Food for the Volunteers.*		168 3 0
			Samen £	5,730 17 11
			£ s. d.	
Februari	1	D. E. Erasmus—		
		4 slachtossen... ... ... *4 oxen.*	40 0 0	
		Hartley, Howitz & Co.—		
		Benoodigdheden ... ... *Necessaries.*	512 6 0	
		C. W. Hoffmann & Co.—		
		Havergerven commando ... ... *Oat-sheaves commandeered.*	220 0 0	
		F. W. Murray & Co.—		
		Goederen commando .. .. *Goods commandeered.*	201 4 2	
		J. J. Klpper—		
		Beslaan paarden ... ... *Shoeing horses.*	2 15 0	
		J. Louttit—		
		Kleederen commando ... ... *Clothing commandeered.*	19 17 6	
		J. Butler—		
		Beslaan paarden ... ... *Shoeing horses.*	34 4 0	
		W. H. Giemere—		
		Berlaan paarden ... ... *Shoeing horses.*	42 0 0	
		W. Jahn—		
		Voedsel aan Burgers ... ... *Food for Burghers.*	57 0 0	
		S. Michelson—		
		Goederen commando ... ... *Goods commandeered.*	18 2 6	
	3	C. Byrness—		
		Verblijfkosten en paardenvoer ... ... *Lodging and cartage.*	27 18 0	
		M. A. Bracht.—		
		Id. ... ... *Do.*	29 14 0	
		C. S. Holtzhausen—		
		Id. ... ... *Do.*	29 14 0	
		J. DeBeer—		
		Id. ... ... *Do.*	29 14 0	
		C. Coetzee—		
		Id. ... ... *Do.*	29 14 0	
		A. Boshoff—		
		Id. ... ... *Do.*	27 0 0	
		P. G. Holtzhausen—		
		Id. ... ... *Do.*	29 14 0	
		N. J. Blons—		
		id. ... ... *Do.*	27 0 0	
		J. Holtzhausen—		
		Id. ... ... *Do.*	29 14 0	
		C. P. Boshoff—		
		Id. ... ... *Do.*	27 0 0	
		H. Simpson—		
		Meel en suiker ... ... *Meal and sugar.*	115 10 0	
		Forward ... ... £	1,550 1 2	5,730 17 11

			£	s.	d.	£	s.	d.
		Forward	1,550	1	2	5,730	17	11
Februari	3	W. A. Bracht—						
		Verblijfkosten, paardenvoer	7	4	0			
		Lodging and cartage.						
	4	A. Risseeuw—						
		Id.	29	14	0			
		Do.						
		J. Du Preez—						
		Id.	27	0	0			
		Do.						
		M. J. Palm—						
		Id.	29	14	0			
		Do.						
		F. Rudolph & Co—						
		Goederen commando	398	2	6			
		Goods commandeered.						
		F. J. Penberthy—						
		Beslaan paarden	92	5	0			
		Shoeing horses.						
		G. Ford—						
		Id.	93	14	0			
		Do.						
	5	Klein & Fälker—						
		80 slachtossen	680	0	0			
		80 *slaughter oxen.*						
		W. A. Meyer—						
		Slachtos Ionas (?)	7	10	0			
		1 *slaughter ox.*						
		P. A. Brits—						
		Pretoria Commando Koffy	2	5	0			
		Coffee for Pretoria Commando.						
		Kivell & Priscott—						
		Beslaan paarden Comm.	19	4	0			
		Shoeing horses.						
	6	W. M. Roos—						
		2 slachtossen	16	0	0			
		2 *slaughter oxen.*						
		C. A. C. Roets—						
		Vervoer goed	7	3	9			
		Cartage.						
		Paddon & Brock—						
		Ververschingen 500 man	75	0	0			
		Refreshments for 500 men.						
		J. P. Du Preez—						
		Expres naar Commandant	4	10	0			
		Special express sent to Commandant.						
		E. J. Loteryman & Co.—						
		Kleederen Commandos	11,912	5	5			
		Clothing.						
		S. Gillingham,						
		Provisie enz. Krijgsgevangenen	2,327	12	10			
		Provisions for prisoners.						
	7	W. Jacobs—						
		Leveren voer enz. commando	6	15	0			
		Cartage, delivery.						
		H. P. Malan—						
		Krijgsdienst	15	0	0			
		For war service.						
		B. Joffe—						
		Leveren bokzeil	4	15	0			
		Delivering rope.						
		Hartley, Hemwitch & Co.—						
		15 slachtossen voer enz.	417	10	0			
		15 *slaughter oxen, cartage, &c.*						
	10	R. J. Pretorius, Jr.—						
		3 slachtossen Comm.	23	0	0			
		3 *oxen.*						
		P. J. Coerter, Sr.—						
		Diensten als Comm.	15	15	0			
		For services as Commandant.						
		H. J. Henning—						
		Halen geweeren Heidelberg Pretoria ...	12	9	0			
		Transport of rifles from Heidelberg to Pretoria.						
		Forward ... ... £	17,774	9	8	5,730	17	11

			£	s.	d.	£	s.	d.
		Forward	17,774	9	8	5,730	17	11
Februari	10	M. Steyn—						
		Paarden huur	1	0	0			
		Horse hire.						
		Fountain Hotel Syndicate—						
		Provisie Burgers	335	12	0			
		Provisions for Burghers.						
	11	J. E. Will—						
		Voer commando	8	0	0			
		Cartage commandeered.						
		Bohlmann—						
		Cabhuur	1	10	0			
		Cab-hire.						
		H. J. Groenewald—						
		Beslaan paarden	29	15	0			
		Shoeing horses.						
		S. Michelson—						
		Provisie commando	468	15	0			
		Provisions commandeered.						
		S. Michelsen—						
		Provisie Krijgsgevangenen Volksrust ...	2,637	1	6			
		Provisions for prisoners at Volksrust.						
		W. A. Terbrugge—						
		Reis kosten vervoer art.	3	15	0			
		Travelling expenses, carriage, &c.						
		G. W. Paddon—						
		Provisie Burgers	10	12	6			
		Provisions for Burghers.						
		G. W. Paddon—						
		Provisie Krijgsgevangenen	20	0	0			
		Provisions for Prisoners.						
		P. J. Potgieter—						
		Diensten als commandant	6	0	0			
		Services as commandant.						
		H. P. Malan—						
		6 ossen commando	54	0	0			
		6 *oxen.*						
		D. S. Van der Merwe—						
		Provisie commando	3	6	0			
		Provisions commandeered.						
		R. Hamilton—						
		Kleederen voor vrijwilligers infanterie ...	375	5	0			
		Clothing for Volunteer infantry.						
	13	Hompe & Leehoff—						
		Kleederen en benoodigdheden commando	8,449	18	2			
		Clothing and necessaries for the commando.						
		H. Prins & Co.—						
		Beslaan paarden	59	12	0			
		Shoeing horses.						
		Id.	104	8	6			
	14	G. Stroh—						
		Voer en slachtossen	88	10	0			
		Cartage and slaughter oxen.						
		J. White—						
		Provisie	1	18	3			
		Provisions.						
		Ross & Peckston—						
		Benoodigdheden	15	2	0			
		Necessaries.						
		Ross and Devilliers—						
		Benoodigdheden	28	14	0			
		Necessaries.						
		G. W. Recks & Co.—						
		Havergerven	292	10	0			
		Oat-sheaves.						
		P. Wissekerke—						
		Reparatie kar	6	4	6			
		Repairing cart.						
		Wannenburgh & Joubert—						
		Brood, enz	15	16	0			
		Bread, etc.						
		P. Hemson—						
		Voer	32	0	0			
		Cartage.						
		Forward ... ... £	30,823	15	1	5,730	17	11

			£	s.	d.	£	s.	d.
		Forward	30,823	15	1	5,730	17	11
Februari	14	Lipschetz Plattenburg—						
		Voer	0	9	0			
		Cartage.						
		H. Boyles—						
		Voer	0	9	6			
		Cartage.						
		F. C. Esterhuizen—						
		Transportkosten goed commando ...	3	2	0			
		Cartage of goods for the commando.						
		T. J. Haarhoff—						
		Goederen	4	19	0			
		Goods.						
		A. Rutherfield—						
		Paarden Beslaan	13	12	0			
		Shoeing horses.						
		J. Lewis—						
		Voer enz. commando	39	6	6			
		Cartage, &c., for the commando.						
		A. Johnston & Co.—						
		Kleederen id.	153	1	6			
		Clothing.						
		Coilmer & Andrika—						
		Vleesch, enz.	47	16	2			
		Meat, &c.						
		Coilmer and Andrika—						
		Vleesch	999	18	5			
		Meat.						
	15	T. W. Beckett & Co.—						
		Benoodigdheden commando	23,684	8	11			
		Necessaries for the commando.						
	17	H. Tobianski—						
		Benoodigdheden commando	1,759	15	5			
		Necessaries for the commando.						
		T. W. Beckett & Co.—						
		Benoodigdheden commando	5,547	19	6			
		Necessaries for the commando.						
		W. C. Meyer—						
		Vervoer slachtossen Ermelo-Pretoria ...	3	0	0			
		Carriage: Slaughter-oxen, Ermelo to Pretoria.						
	18	N. Scheepers—						
		2 ossen	20	0	0			
		2 *oxen.*						
		N. Scheepers—						
		10 ossen	105	0	0			
		10 *oxen.*						
	19	H. Eberhard—						
		Provisie commando	22	3	3			
		Provisions for the commando.						
		M. C. Howell—						
		868 hamels	868	0	0			
		868 *sheep.*						
		May & Lewis—						
		Benoodigdheden, Krugersdorp hospitaal	155	18	4			
		Krugersdorp Hospital, necessaries.						
		May & Lewis—						
		Benoodigdheden commando	343	6	9			
		Necessaries for the commando.						
	21	Eerste Fabrieken—						
		30 Slachtossen	240	0	0			
		30 *Slaughter oxen.*						
	22	E. J. Loteryman & Co.—						
		Kleeding commando	699	15	6			
		Clothing for the commando.						
		S. J. Ferreira—						
		Onkosten vervoer van Krijgsgevangenen Volkrust	20	10	0			
		Carriage of Prisoners at Volksrust.						
		E. J. Loteryman & Co.—						
		Goederen	9	14	0			
		Goods.						
		Forward ... ... £	65,566	0	10	5,730	17	11

		Forward	65,566 0 10	5,730 17 11
Februari	22	Central Pharmacie—		
		Chirurgische hulp, paard	1 1 0	
		Veterinary attendance.		
		P. C. Beyers—		
		Provisie commando	87 12 9	
		Provisions.		
		R. S. Constantine—		
		Id.	20 0 0	
		Do.		
		Kontantwinkel—		
		Goederen commando	320 13 6	
		Goods.		
		B. Van Erkom—		
		Tabak	94 10 0	
		Tobacco.		
		Bourke & Co.—		
		Goederen commando	119 0 0	
		Goods.		
		Manenkweit & Liehman— ...		
		Goederen	47 16 0	
		Goods.		
		M. De Vos—		
		Goederen commando	11 10 0	
		Goods.		
		Smith & Turner—		
		Werk in verband met commando... ...	26 6 0	
		Work for the commando.		
		E. P. L. Trichardt—		
		Goederen	2 10 0	
		Goods.		
		Smith and Petrie—		
		Paarden beslaan	9 0 0	
		Shoeing horses.		
		P. Zeederberg—		
		Vleesch	2 10 0	
		Meat.		
		Philps & Co.—		
		Medicijnen	8 15 0	
		Medicine.		
		H. Prins & Co.—		
		Beslaan paarden	4 0 0	
		Shoeing horses.		
		D. M. Maartens—		
		Paarden en kar veld telegrafie	2 10 0	
		Horses and cart for field telegraph.		
		P. Henwood, Son, Souther & Co.—		
		Goederen commando	833 12 0	
		Goods.		
		J. M. Griffiths—		
		Voer paarden commando	40 0 0	
		Cart and horses.		
		D. H. Conradie—		
		Id.	36 0 0	
		Do.		
		C. J. H. Kruger—		
		Id.	53 6 5	
		Do.		
		D. S. Fourie—		
		Ossen	34 0 0	
		Oxen.		
		A. Briell—		
		Paarden voer...	44 0 0	
		Horses and cart.		
		F. Marx—		
		2 ossen	18 0 0	
		2 *oxen.*		
		W. P. Bronkhorst—		
		Paarden voer...	44 0 0	
		Horses and cart.		
		N. Maschall—		
		Id.	52 0 0	
		Do.		
		Forward	67,478 13 6	5,730 17 11

			£	s.	d.	£	s.	d.
		Forward	67,478	13	6	5,730	17	11
Februari	22	N. Maschall— Paardenvoer ... ... *Horses and cart.*	46	14	5			
		N. S. Combrinck— Id. ... ... *Do.*	50	4	9			
		J. Kock— Id. ... ... *Do.*	41	6	5			
		J. Fourie— Slachtos ... ... *Slaughter-ox.*	10	0	0			
		G. T. T. Van der Westhuizen— Id. ... ... *Do.*	54	6	5			
		A. C. Saunders— Id. ... ... *Do.*	56	0	0			
		A. C. Saunders— Id. ... ... *Do.*	54	0	0			
		G. T. van der Westhuizen— Id. ... ... *Do.*	60	0	0			
		J. H. F. Du Plooy— Id. ... ... *Do.*	64	0	0			
		J. C. Du Toit— 2 slachtossen ... ... 2 *do.*	11	0	0			
		C. Lietsow— Voedsel ... ... *Fodder.*	66	0	0			
		C. Lietsow— Id. ... ... *Do.*	387	0	0			
		W. J. Te Water— Benoodigdheden ... ... *Necessaries.*	768	1	3			
		J. Chambers— 58 patroonbanden ... ... 58 *cartridge-bands.*	21	15	0			
		J. D. Gründling— Benoodigdheden ... ... *Necessaries.*	167	0	0			
		J. D. Gründling— Vervoer fœcale stoffen ... ... *Cartage from closets.*	15	15	0			
		H. De Villiers & Co.— Provisie ... ... *Provisions.*	49	6	0			
		H. De Villiers & Co.— Id. ... ... *Do.*	278	7	8			
	24	F. J. Hartley— Paardenvoer ... ... *Horses.*	170	0	0			
		F. J. Hartley— Ossen ... ... *Oxen.*	36	0	0			
		H. Hatlingh— Voer ... ... *Cartage.*	4	0	0			
		J. C. Kloppers— Een os ... ... 1 *ox.*	9	0	0			
		J. C. Kloppers— Voer ... ... *Cartage.*	40	0	0			
		H. Van der Merwe— Id. ... ... *Do.*	44	0	0			
		Forward ... ... £	69,982	10	5	5,730	17	11

			£	s.	d.	£	s.	d.
		Forward	69,982	10	5	5,730	17	11
Februari	24	C. J. Van den Berg—						
		3 ossen	30	0	0			
		3 oxen.						
		D. Botha—						
		Voer	52	0	0			
		Cartage.						
		P. Kruger—						
		Id.	15	0	0			
		Do.						
		S. Alberts—						
		Id.	73	0	0			
		Do.						
		G. W. Hindts—						
		Id.	192	0	0			
		Do.						
		R. J. De Beer—						
		Id.	40	0	0			
		Do.						
		P. J. De Beer—						
		Id.	42	14	4			
		Do.						
		S. Alberts—						
		Tabak	16	16	0			
		Tobacco.						
		B. P. Havinga—						
		Voer	31	4	0			
		Cartage.						
		C. Combrinck—						
		Id.	40	0	0			
		Do.						
		P. J. Labuschagne—						
		Id.	44	0	0			
		Do.						
		D. J. Kloppers—						
		Een os	8	0	0			
		1 *ox.*						
		J. C. Grobler—						
		Id.	10	0	0			
		Do.						
		C. J. Kruger—						
		Beslaan paarden	12	3	9			
		Shoeing horses.						
		A. Venter—						
		Voer	41	12	0			
		Cartage.						
		C. Roux & C. C. Roos—						
		Beslaan paarden	38	10	0			
		Shoeing horses.						
		Schröder & Hartmann—						
		Benoodigdheden	78	10	0			
		Necessaries						
		H. P. Stein—						
		Voer en ossen	50	0	0			
		Cartage and oxen.						
		W. F. Retief—						
		Een os	10	0	0			
		1 *ox.*						
		P. J. Du Preez—						
		2 ossen	18	0	0			
		2 *oxen.*						
		N. Van der Westhuizen—						
		Tabak	16	5	0			
		Tobacco.						
		F. Van Staden—						
		Voer	60	0	0			
		Cartage.						
		P. J. Rossch—						
		Voer	47	4	0			
		Cartage.						
		T. J. Swanepoel—						
		Id.	134	0	0			
		Do.						
		Forward ... ... £	71,083	9	6	5,730	17	11

			£	s.	d.	£	s.	d.
		Forward	71,083	9	6	5,730	17	11
Februari	24	P. Senekal—						
		Voer	48	0	0			
		Cartage.						
		J. Putler—						
		Id.	89	4	0			
		Do.						
		H. Potgieter—						
		2 ossen	17	0	0			
		2 oxen.						
		G. Scheepers—						
		Voer	50	8	0			
		Cartage.						
		L. Pieterse—						
		Id.	44	0	0			
		Do.						
		T. J. Van Staden—						
		Id.	31	8	9			
		Do.						
		J. Romkins—						
		Benoodigdheden	85	14	6			
		Necessaries.						
		F. Rudolph & Co.—						
		Id.	870	13	6			
		Do.						
		Gebrs. Van de Water—						
		Provisie	1	7	6			
		Provisions.						
	26	J. Fourie—						
		Benoodigdheden	3	15	0			
		Necessaries.						
		W. Francis & Zoons—						
		Hoefijzers	0	10	0			
		Horse-shoes.						
		E. G. Heather & Co.—						
		Beschuit	44	13	4			
		Biscuits.						
		J. J. Mac Cord and Sons—						
		Benoodigdheden	102	9	8			
		Necessaries.						
		A. Oosthuijzen—						
		Express rijden	2	10	0			
		Express riding.						
		T. J. J. Devilliers—						
		Voer en ossen	159	15	0			
		Cartage and oxen.						
		C. Raamvloff—						
		Beslaan paarden	7	10	0			
		Shoeing horses.						
		J. Farks—						
		Rantsoenen Krijgsgevangenen Pretoria	17	3	0			
		Rations for prisoners at Pretoria.						
	28	P. Pienaar—						
		20 hamels	20	0	0			
		20 *sheep.*						
		C D. Cronje—						
		Een os	10	0	0			
		1 *ox.*						
		J. M. Van Aswegen—						
		Paarden voer.	55	4	0			
		Cart and horses.						
		G. Kruger—						
		Id.	56	0	0			
		Do.						
		E. C. Bosmann—						
		Id.	40	0	0			
		Do.						
		J. W. Greyer—						
		Een os...	8	0	0			
		1 *ox.*						
		C. Loggenberg—						
		Een zak uien	1	0	0			
		1 *bag of onions.*						
		C. Loggenberg—						
		Paarden voer...	17	16	0			
		Forward ... ... £	72,867	11	9	5,730	17	11

			£ s. d.	£ s. d.
		Forward	72,867 11 9	5,730 17 11
Februari	28	G. Koekemoer— Paarden voer... ... ... *Horses and Cart.*	52 0 0	
		G. Koekemoer— Id. ... ... *Do.*	44 0 0	
		T. P. Boshoff— Id. ... ... *Do.*	49 18 4	
		J. S. Van Loggenberg— Een os... ... ... 1 *ox.*	8 0 0	
		J. S. Van Loggenberg— Paarden voer... ... ... *Cart and horses.*	50 8 0	
		D. J. Mellett— Id. ... ... *Do.*	60 0 0	
		H. Botha— Id. ... ... *Do.*	13 4 0	
		P. J. Van der Walt— Id. ... ... *Do.*	43 15 6	
		J. H. Wentzel— Id. ... ... *Do.*	44 0 0	
		P. Pienaar— 20 schapen ... ... 20 *sheep.*	20 0 0	
		P. Pienaar— 6 schapen ... ... 6 *sheep.*	6 0 0	
		P. Pienaar— 7 schapen ... ... 7 *sheep.*	7 0 0	
		F. Van der Walt— Paarden voer ... ... *Cart and horses.*	56 0 0	
		F. Van der Walt— Paarden voer ... ... *Cart and horses.*	55 0 0	
		B. Opperman— Id. ... ... *Do.*	20 17 6	
		H. C. Hind & Co.— Id. ... ... *Do.*	155 0 0	
		H. C. Hind & Co.— Meel ... ... *Meal.*	162 10 0	
		A. E. Jennings— Paarden voer ... ... *Cart and horses.*	145 11 2	
	29	H. Stevens— Beslaan paarden ... ... *Shoeing horses.*	189 18 6	
		M. Liezem— Id. ... ... *Do.*	245 8 0	
		C. Graff— Provisie commando... ... ... *Provisions.*	141 2 8	
		C. Graff— Provisie ... ... *Provisions.*	32 11 6	
	25	F. Forster— Benoodigdheden hospitaal Krugersdorp ... *Necessaries for Krugersdorp Hospital.*	80 5 0	74,550 1 11
Maart	2	Rudd & George— Goederen Krugersdorp ... ... *Goods at Krugersdorp.*	117 0 0	
		Forward ... ... £	117 0 0	80,280 19 10

			£	s.	d.	£	s.	d.
		Forward	117	0	0	80,280	19	10
Maart	2	R. Hamilton—						
		Goederen Krugersdorp ... ... *Goods at Krugersdorp.*	449	9	6			
		E. Lilienfeld & Co.—						
		Goederen ... ... *Goods.*	3	14	3			
		H. Tobianski—						
		Zadels, toomen, enz. ... ... *Saddles, bridles, &c.*	519	15	0			
		E. Fuchs—						
		Onkosten in verband met gevangenen ... *Expenses of Prisoners.*	10	15	0			
		Thomas S. Liesk—						
		Patronen aan burgers ... ... *Cartridges for burghers.*	7	0	0			
		J. Heald—						
		Repareeren geweeren ... ... *Repairing rifles.*	2	18	0			
„	3	J. Van der Merwe—						
		Voer ... ... *Cartage.*	40	0	0			
		T. E. Erasmus—						
		4 balen kaf ... ... 4 *bales of chaff.*	5	0	0			
		T. J. Kruger—						
		Voèr ... ... *Cartage.*	35	0	0			
		C. A. J. Cronje—						
		Paardenvoer ... ... *Cart and horses.*	66	0	0			
		C. N. Grobler—						
		Id. ... ... *Do.*	100	0	0			
		W. De Beer—						
		Id. ... ... *Do.*	63	7	2			
		W. A. Krige—						
		Id. ... ... *Do.*	132	11	2			
		A. Millar—						
		Id. ... ... *Do.*	58	0	0			
		D. Fouché—						
		12 ossen ... ... 12 *oxen.*	108	0	0			
		D. Fouché—						
		Paardenvoer ... ... *Cart and horses.*	104	17	0			
		S. L. Fouché—						
		4 ossen ... ... 4 *oxen.*	36	0	0			
		S. L. Fouché—						
		Tabak ... ... *Tobacco.*	7	10	0			
		J. Fourie—						
		Paardenvoer ... ... *Cart and horses.*	24	0	0			
		J. Fourie—						
		Id. ... ... *Do.*	34	8	0			
		J. Fourie—						
		4 ossen ... ... 4 *oxen.*	36	0	0			
		W. Esterhuyzen—						
		Paardenvoer ... ... *Cart and horses.*	80	0	0			
		H. Miller—						
		Id. ... ... *Do.*	52	0	0			
		G. Miller—						
		Id. ... ... *Do.*	62	0	0			
		Forward ... ... £	2,155	5	1	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	2,155	5	1	80,280	19	10
Maart	3	M. J. Van den Berg— Paarden voer... ... ... *Horses and cart.*	40	0	0			
		M. J. Van den Berg— 2 ossen ... ... 2 *oxen.*	20	0	0			
		Thomas Coertze— Paardenvoer ... ... *Cart and horses.*	44	0	0			
		N. J. Groenewald— 27 balen kaf ... ... 27 *bales of chaff.*	27	0	0			
		W. Bouwer— 27 zak aardappelen ... ... 27 *sacks of potatoes.*	27	0	0			
		C. D. Cronje— Een os ... ... 1 *ox.*	8	10	0			
		C. D. Cronje— Havergerven ... ... *Meal.*	62	0	0			
		C. D. Cronje— Id. ... ... *Do.*	60	0	0			
		S. Fouché— Havergerven ... ... *Meal.*	58	10	0			
		M. Eloff— Id. ... ... *Do.*	68	0	9			
		H. F. Geyer— Id. ... ... *Do.*	4	0	0			
		J. D. Malan— 2 ossen ... ... 2 *oxen.*	18	0	0			
		J. M. Briell— Paardenvoer ... ... *Cart and horses.*	44	0	0			
		E. Muller— Id. ... ... *Do.*	48	0	0			
		W. Nell— Id. ... ... *Do.*	50	0	0			
		J. Viljoen— Id. ... ... *Do.*	64	0	0			
		W. J. Pretorius— Id. ... ... *Do.*	44	0	0			
		P. Van Rooy— Id. ... ... *Do.*	80	0	0			
		J. G. J. van Rensburg— Id. ... ... *Do.*	34	0	0			
		J. O'Connor— Id. ... ... *Do.*	1	10	0			
		P. Du Plessis— Id. ... ... *Do.*	45	0	0			
		B. Du Plessis— Id. ... ... *Do.*	103	10	0			
		J. C. Hinds & Co.— Benoodigdheden ... ... *Necessaries.*	336	1	6			
„	4	J. C. Hinds & Co.— Benoodigdheden ... ... *Necessaries.*	156	9	6			
		Forward ... ... £	3,595	16	10	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	3,595	16	10	80,280	19	10
Maart	4	C. Rech—						
		Benoodigdheden	82	7	0			
		Necessaries.						
		W. J. S. Labuschagne—						
		Paardenvoer	50	0	0			
		Cart and horses.						
		W. Ackermann—						
		Id.	78	0	0			
		Do.						
		M. J. S. Labuschagne—						
		12 ossen	120	0	0			
		12 *oxen.*						
		F. J. Labuschagne—						
		Paardenvoer	28	0	0			
		Cart and horses.						
	5	J. Visser—						
		Huur wagen en ezels	30	0	0			
		Hire of waggon and donkeys.						
		W. Millar & Co.—						
		Benoodigdheden	50	15	9			
		Necessaries.						
		Ginsberg Bros.—						
		Id.	58	9	6			
		Do.						
		Loppert & Gordon—						
		Id.	9	11	0			
		Do.						
		J. P. Meyer & D. A. Meyer—						
		Id.	25	17	6			
		Do.						
		J. Malherbe & Co.—						
		Id.	25	0	0			
		Do.						
		Wed. H. W. Meyer—						
		Id.	9	0	0			
		Do.						
		E. Kaufmann & Co.—						
		Id.	4	0	0			
		Do.						
		C. Hubert—						
		Kost	10	16	0			
		Board.						
		J. Groenewald—						
		Beslaan paarden	4	4	0			
		Shoeing horses.						
		G. A. F. Bass—						
		Id.	27	6	0			
		Do.						
		A. Allen—						
		Goederen geleverd	0	5	0			
		Goods delivered.						
		Clarck & Roberts—						
		Id.	199	18	3			
		Do.						
		Struck & Schultz—						
		Id.	3	0	0			
		Do.						
		A. Vrohn—						
		Id.	0	12	6			
		Do.						
		Pret. Ing foundry Werken—						
		Reparatie tent palen	0	7	6			
		Repairing tent poles.						
		Ratrey & Co.—						
		Voer	15	0	0			
		Cartage.						
		J. E. Philps—						
		Goederen geleverd	24	12	0			
		Goods.						
		D. Valk—						
		Id.	89	0	0			
		Do.						
		Forward ... ... £	4,541	18	10	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	4,541	18	10	80,280	19	10
Maart	5	Transvaal Trust Coal Co. (Ltd.)—						
		Goederen geleverd	17	5	0			
		Goods delivered.						
		C. J. Maritz—						
		Klerk asst. krijgs comrs.	12	8	3			
		Clerk hire.						
		J. H. Hartley & Zoon—						
		Goederen geleverd	5	12	0			
		Goods delivered.						
		A. R. Thornhill—						
		Id.	12	0	0			
		Do.						
	7	McLorkie & Te Water—						
		Benoodigdheden	19	7	6			
		Necessaries.						
		McLorkie & Te Water—						
		Id.	404	0	9			
		Do.						
		H. Fysch—						
		Provisie	12	1	3			
		Provisions.						
		J. D. Cilliers—						
		Hout	4	12	6			
		Wood.						
		Cairncross & Zillen—						
		Bokzeilen	25	10	0			
		Ropes.						
		Perkins & Cinnamon—						
		Benoodigdheden	36	6	0			
		Necessaries.						
		R. A. Wolff & Co.—						
		Id.	16	10	8			
		Do.						
		Philps & Co.—						
		Medicijnen krijgsgevangenen	1	14	6			
		Medicine for prisoners.						
		A. J. Retief—						
		Logies Burgers	1	16	0			
		Boarding Burghers.						
		J. Gray—						
		Benoodigdheden	241	5	0			
		Necessaries.						
	9	M. Kelly & Co.—						
		Id.	1,395	18	2			
		Do.						
		P. Goosen—						
		Id.	18	0	0			
		Do.						
		M. Israelsen—						
		Id.	259	0	0			
		Do.						
		J. P. Kelly—						
		Id.	35	0	0			
		Do.						
		H. Moschke—						
		Id.	32	10	0			
		Do.						
		G. P. Kemp—						
		Id.	9	0	0			
		Do.						
		G. Henning—						
		Benoodigdheden	28	0	0			
		Necessaries.						
		H. J. Horn—						
		Id.	18	0	0			
		Do.						
		P. H. Cloete—						
		Id.	6	5	0			
		Do.						
		A. Z. A. Briell—						
		Id.	14	0	0			
		Do.						
		D. J. Brink—						
		Id.	16	0	0			
		Do.						
		Forward ... ... £	7,184	1	5	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	7,184	1	5	80,280	19	10
Maart	9	P. Bezuidenhout—						
		Benoodigdheden	9	10	0			
		Necessaries.						
		J. A. Breedt—						
		Id.	18	0	0			
		Do.						
		M. Burman—						
		Id.	8	0	0			
		Do.						
		Cohen & Rubenstein—						
		Id.	341	16	11			
		Do.						
		T. W. Beckett & Co., Ltd.—						
		Id.	28	16	6			
		Do.						
		J. H. Botha—						
		Id.	18	0	0			
		Do.						
		Hancock & McDermitt—						
		Id.	65	3	2			
		Do.						
		A. Johnston & Co.—						
		Id.	3	10	0			
		Do.						
		Dr. Max Melish—						
		Id.	141	15	0			
		Do.						
		A. Swarts—						
		Id.	4	0	0			
		Do.						
	10	P. De Wet—						
		Provisie	206	4	9			
		Provisions.						
		McLorkie & Te Water—						
		Kleeding, enz.	9,515	4	9			
		Clothing.						
		McLorkie & Te Water—						
		Id.	2,022	4	9			
		Do.						
		W. Schoonbeek—						
		Paardenvoer	40	0	0			
		Cart and horses.						
		F. Van Tonder—						
		Id.	38	12	0			
		Do.						
		C. C. A. Labuschagne—						
		4 ossen	40	0	0			
		4 *oxen.*						
		C. C. A. Labuschagne—						
		Paardenvoer	58	0	0			
		Cart and horses.						
		J. D. Van den Berg—						
		Id.	27	0	0			
		Do.						
		J. H. Labuschagne—						
		Id.	37	12	0			
		Do.						
		B. Mac Holland—						
		Beslaan paarden	327	19	0			
		Shoeing horses.						
		C. Natrop—						
		Benoodigdheden	7	12	6			
		Necessaries.						
		A. B. Watt—						
		Id.	12	10	0			
		Do.						
		A. J. Vorster—						
		Id.	7	0	0			
		Do.						
		P. J. L. Venter—						
		Id.	2	0	0			
		Do.						
		Forward ... ... £	20,164	12	9	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward				80,280	19	10
Maart	10	D. Potgieter—	20,164	12	9			
		Benoodigdheden	18	0	0			
		Necessaries.						
		J. D. Du Preez—						
		Id.	98	0	0			
		Do.						
		G. Potgieter—						
		Id.	7	0	0			
		Do.						
		T. Du Preez—						
		Id.	15	0	0			
		Do.						
		L. Van Reiche—						
		Id.	8	0	0			
		Do.						
		H. C. J. Van Rensburg—						
		Id.	10	0	0			
		Do.						
		L. Nell—						
		Id.	8	0	0			
		Do.						
		C. Seegers—						
		Benoodigdheden	18	0	0			
		Do.						
		H. Simpson—						
		Id.	115	10	0			
		Do.						
		F. Slabbert—						
		Id.	36	0	0			
		Do.						
		Gebr. Smit—						
		Id.	24	17	6			
		Do.						
		R. H. Bohlmann—						
		Id.	42	3	0			
		Do.						
		T. Osborne & Co.—						
		Id.	926	18	6			
		Do.						
		Dezelfden (the same)—						
		Id.	725	17	6			
		Do.						
		Dezelfden (the same)—						
		Id.	104	19	2			
		Do.						
		Dezelfden (the same)—						
		Id.	405	2	6			
		Do.						
		Dezelfden (the same)—						
		Id.	310	5	0			
		Do.						
		Dezelfden (the same)—						
		Id.	20	0	0			
		Do.						
		Dezelfden (the same)—						
		Id.	2	18	0			
		Do.						
	11	F. Osborne & Co.—						
		Benoodigdheden	699	10	0			
		Do.						
		Dezelfden (the same)—						
		Id.	283	16	9			
		Do.						
		Dezelfden (the same)—						
		Id.	51	14	3			
		Do.						
		Perks & Perks—						
		Id.	1,655	3	0			
		Do.						
		G. Oosthuizen—						
		Paardenvoer	54	0	0			
		Cart and horses.						
		R. Crail & R. Sonnes—						
		Beslaan paarden	30	17	6			
		Shoeing horses.						
		Forward	25,836	15	5	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	25,836	15	5	80,280	19	10
Maart	12	Gebr. Smit—						
		Paardenvoer	30	0	0			
		Cart and horses.						
		W. P. Bronkhorst—						
		Id.	58	0	0			
		Do.						
		Perks & Perks—						
		Vervoer enz beh : lagers	61	13	6			
		Cartage, &c., for camps						
	13	Geo. Suthers & Co.—						
		Benoodigdheden	1,649	0	1			
		Necessaries.						
		Wed. F. Papenfusz—						
		Oppassen zieke burgers	30	0	0			
		Looking after sick Burghers						
		S. Sussens—						
		Beslaan paarden	27	0	0			
		Shoeing horses.						
		D. F. Gibson—						
		Benoodigdheden	141	6	0			
		Necessaries.						
		W. Vanklonowsky—						
		Medicijnen burgers	274	10	6			
		Medicine burghers.						
	14	Commandant F. J. Potgieter—						
		Reiskosten	6	3	0			
		Travelling expenses.						
		Melt Marais—						
		Benoodigdheden, reiskosten gevangenen	9	6	0			
		Necessaries and travg. expenses of prisoners.						
		Cohen Cooper & Co.—						
		Benoodigdheden	16	19	6			
		Necessaries.						
	16	P. A. Brits—						
		Oppassen Gouvernements paarden ...	1	10	0			
		Looking after Government horses.						
		Hartley Hemwitz & Co.—						
		Benoodigdheden	141	5	0			
		Necessaries.						
		Dr. F. Pirone—						
		Diensten geneesheer P. C. S. commando...	43	19	0			
		Doctor's services.						
		F. S. Stevens—						
		Goederen geleverd	11	5	6			
		Goods.						
		S. Gillingham—						
		Benoodigdheden	88	13	0			
		Necessaries.						
		Louw & Menzies—						
		Doodkisten enz.	95	15	0			
		Coffins, &c.						
		A. S. Naude—						
		12 ossen	100	0	0			
		12 *oxen.*						
	17	A. B. Woodcock—						
		Huur stal paarden, 30 Dec. 19 Jan. ...	30	0	0			
		Hire of stables and horses to Jan. 19.						
		Mrs. B. Fuchs—						
		Kost en inwoning cavallerie vrijwilligers	63	0	0			
		Board and lodging of Cavalry Volunteers.						
		P. Clapper—						
		Paardenvoer	40	0	0			
		Cart and horses.						
	18	H. C. J. Van Rensburg—						
		Benoodigdheden	28	0	0			
		Necessaries.						
		R. Johnston & Co.—						
		Kleeding	661	15	0			
		Clothing.						
	11	F. W. Beckett & Co., Ltd.—						
		Gouvts. ossen : Medicijnen	9	5	6			
		Government oxen : Medicine.						
		Forward ... ... £	29,455	2	0	80,280	19	10

			£	s.	d.	£	s.	d
		Forward	29,455	2	0	80,280	19	10
Maart	11	R. Meyer & Co.—						
		Benoodigdheden ... ... *Necessaries.*	94	4	2			
		P. G. Brits—						
		Diensten als Commandant... ... ... *Services as Commandant.*	9	0	0			
		E. Murray—						
		Vervoer rapporten ... ... *For carrying reports.*	2	11	0			
		E. Murray—						
		Id. ... ... *Do.*	3	16	6			
		Dezelfde (the same)—						
		Id. ... ... *Do.*	2	11	0			
		C. Greatrex and Sons—						
		Benoodigdheden ... ... *Necessaries.*	64	17	6			
		J. Williams—						
		Beslaan paarden ... ... *Shoeing horses.*	20	0	0			
		J. Niven—						
		Leveren waterbaatjes ... ... *Delivering water bottles.*	3	5	0			
		D. J. Potgieter—						
		Diensten als Commandant... ... ... *Services as Commandant.*	12	15	0			
		Nederlandsche Zuid Afrikaansche Spoorweg Maatschappij—						
		Dertig dekkleeden ... ... 30 *tarpaulins.*	136	8	9			
		Payne Brothers—						
		Kleederen enz. ... ... *Clothing.*	238	7	0			
		G. J. J. Van Brunen—						
		6 beesten ... ... 6 *beasts.*	30	0	0			
		W. A. Schrübstoch—						
		Kost en inwoning vrijwilligers ... ... *Board and lodging of Volunteers.*	9	2	0			
		J. U. Du Ploorj—						
		Paardenvoer ... ... *Cart and horses.*	66	0	0			
		R. Hamilton—						
		Kleeding ... ... *Clothing.*	3,312	6	6			
		T. Erasmus—						
		Paardenvoer ... ... *Cart and horses.*	43	15	9			
		F. Osborne & Co.—						
		Provisie ... ... *Provisions.*	143	12	6			
	19	J. Niven—						
		Benoodigdheden ... ... *Necessaries.*	23	2	6			
		H. Potgieter—						
		Paardenvoer ... ... *Cart and Horses.*	72	0	0			
		Rubenstein & Smith—						
		Regenjassen ... ... *Mackintoshes.*	11	0	0			
		D. Jacobs—						
		Benoodigdheden ... ... *Necessaries.*	19	11	0			
		Harvey, Greenacre & Co.—						
		Regenjassen ... ... *Mackintoshes.*	9	18	6			
		Grant Lent—						
		Benoodigdheden ... ... *Necessaries.*	29	3	6			
	20	A. A. Mariott—						
		Melk voor hospitaal ... ... *Milk for Hospital.*	39	6	6			
		Forward ... ... £	33,851	16	8	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	33,851	16	8	80,280	19	10
Maart	20	Harvey, Greenacre & Co.—						
		Benoodigdheden hospitaal Krugersdorp ...	292	7	0			
		Hospital necessaries.						
		R. Johnston & Co.—						
		Kleederen	1,337	15	6			
		Clothing.						
		J. S. Du Plessis—						
		Reiskosten Krijgs gevangenen	1	10	0			
		Travelling expenses of prisoners.						
	21	W. D. Parker—						
		Haver Vrijwilligers cavallerie	15	8	0			
		Oats for volunteer cavalry.						
	23	C. J. Kruger—						
		Reparatie geweeren	5	10	0			
		Repairing Rifles.						
		J. W. Hawood—						
		Logeeren burgers	27	12	0			
		Lodging burghers.						
		G. P. Pretorius—						
		Vervoer ammunitie, P.C.S.	46	16	0			
		Cartage of ammunition.						
		Collmer en Andreka—						
		Vleesch	9	9	4			
		Meat.						
		D. Sphor & Co.—						
		Provisie	18	0	0			
		Provisions.						
		D. Pretorius—						
		Paardenvoer	48	0	0			
		Cart and horses.						
		K. Macholna & Co.						
		Benoodigdheden	92	1	6			
		Necessaries.						
	24	J. J. Erasmus—						
		Paardenvoer	52	0	0			
		Cart and horses.						
		M. T. Snijman—						
		Id.	27	10	0			
		Do.						
		C. H. Grobler—						
		Id.	191	4	0			
		Do.						
		G. B. Bailey—						
		Benoodigdheden	2	15	6			
		Necessaries.						
		N. J. Van der Hout—						
		Paardenvcer	27	0	0			
		Cart and horses.						
		J. Van der Merwe—						
		Id.	72	0	0			
		Do.						
		R. Briell—						
		Id.	52	0	0			
		Do.						
		Block Bros.—						
		27 zadels	101	5	0			
		27 saddles.						
	25	Harvey, Greenacre & Co.—						
		Benoodigdheden	687	0	0			
		Necessaries.						
		A. Schmidt—						
		Tent en pennen	10	15	0			
		Tent and pegs.						
		A. P. Walker—						
		Diensten	9	2	6			
		Services.						
		J. B. Bailey—						
		Provisie	54	7	6			
		Provisions.						
		T. W. Beckett & Co.—						
		Kleederen	281	15	6			
		Clothing.						
		Forward ... ... £	37,315	1	0	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	37,315	1	0	80,280	19	10
Maart	25	E. Molenbroeck—						
		Medicijnen	204	11	9			
		Medicine.						
		G. Suhers & Co.—						
		Benoodigdheden	6	5	6			
		Necessaries.						
		W. S. Swanepoel—						
		Reiskosten vervoer gevangenen	3	15	0			
		Trav. expenses and carriage of prisoners.						
		A. J. Rossouw—						
		Voer enz.	12	0	0			
		Cartage, &c.						
		C. J. Zorn—						
		Benoodigdheden	0	8	0			
		Necessaries.						
		Tonckens & Du Plessis.						
		Benoodigdheden hospitaal Krugersdorp ...	21	12	6			
		Hospital necessaries.						
		Behrens Bros.—						
		Voedsel enz.	72	0	0			
		Fodder, &c.						
		W. De Beer—						
		Beslaan paarden	7	10	0			
		Shoeing horses.						
	27	A. Chesne—						
		Benoodigdheden	2	16	0			
		Necessaries.						
		Harvey, Greenacre & Co.—						
		Benoodigdheden hospitaal Krugersdorp ...	120	0	0			
		Necessaries.						
		W. H. Langrish—						
		Voer	1	10	0			
		Cartage.						
		S. L. Hartman—						
		Belts paarden	5	0	0			
		Horse belts.						
		A. Johnston & Co.—						
		Benoodigdheden	468	1	0			
		Necessaries.						
		E. J. Loteryman & Co.—						
		Id.	7	18	0			
		Do.						
		A. Hobins—						
		Brood	89	18	8			
		Bread.						
	30	N. Eberhard—						
		Benoodigdheden	36	8	3			
		Necessaries.						
		T. W. Beckett & Co.—						
		Paardenvoer	0	11	8			
		Cart and horses.						
		E. P. A. Meintjes—						
		Gemalen mielies	4	5	0			
		Ground Indian-corn.						
		A. R. Needers—						
		Reiskosten Ond. Comm.	5	7	6			
		Travelling expenses of sub-commandant.						
		J. C. Taljaard—						
		Beslaan paard	0	8	0			
		Shoeing horses.						
		M. Robinson & Co.—						
		Benoodigdheden	60	15	0			
		Necessaries.						
		H. Rosenbloem & Co.—						
		Benoodigdheden	24	4	6			
		Necessaries.						
		Smith and Petrie—						
		Reparatie wagens, enz.	39	15	0			
		Repairing carts.						
		E. Tamsin—						
		Benoodigdheden	6	6	0			
		Necessaries.						
		Forward ... ... £	38,516	8	4	80,280	19	10

			£	s.	d.	£	s.	d.
		Forward	38,516	8	4	80,280	19	10
Maart	30	A. Swart—						
		6 ossen	39	0	0			
		6 oxen.						
		P. J. H. Pretorius—						
		Overbrengen telegram	2	11	0			
		Carrying a telegram.						
		S. P. E. Trichardt—						
		Diensten als commandant	12	0	0			
		Services as commandant.						
		S. W. Burger—						
		Diensten als commandant	12	0	0			
		Do.						
		Uermanns—						
		Benoodigdheden	12	0	0			
		Necessaries.						
		Fontein & Du Plessis—						
		Id.	1,367	0	9			
		Do.						
		Dezelfden (the same)—						
		Id.	161	0	6			
		Do.						
		Dezelfden (the same)—						
		Id.	18	9	6			
		Do.						
		Seehof & Frankel—						
		Id.	30	0	0			
		Do.						
		W. D. Smith—						
		Id.	427	12	0			
		Do.						
		Dezelfde (the same)—						
		Id.	41	7	0			
		Do.						
		P. Du Preez—						
		Logies burgers	35	0	0			
		Boarding burghers.						
	31	N. J. Breytenbach—						
		20 ossen	168	0	0			
		20 oxen.						
		R. Donnaghu—						
		Beslaan paarden	26	0	0			
		Shoeing horses.						
		H. C. Williams—						
		Provisie	120	0	0			
		Provisions.						
		Williams—						
		Provisie	79	11	6			
		Provisions.						
		Ralmeyer & Hunchmann—						
		Id.	19	15	0			
		Do.						
	27	S. Koen—						
		Id.	11	5	6			
		Do.				41,099	1	1
April	1	D. Graham—						
		Overbr. telegram	2	0	0			
		Carrying a telegram.						
		F. J. Jooste—						
		Id.	2	0	0			
		Do.						
		J. Read & Co.—						
		Benoodigdheden	4	13	6			
		Necessaries.						
		Rudolph & Soldin—						
		Id.	23	0	0			
		Do.						
		N. J. Whittall—						
		Kosten accomodatie Burgers	3	10	0			
		Boarding Burghers.						
		Vining Bros.—						
		Benoodigdheden	201	18	0			
		Necessaries.						
		Forward ... ... £	237	1	6	121,380	0	11

			£	s.	d.	£	s.	d.
		Forward	237	1	6	121,380	0	11
April	1	R. Spinn— Benoodigdheden ... ... *Necessaries.*	3	10	0			
		T. Van der Westhuizen— Havergerven ... ... *Oat-sheaves.*	30	0	0			
		Bestuur Orion Gold Mining Co.— Mielie meel ... ... *Indian corn meal.*	3	18	0			
		C. N. R. Schalkwijk— Slachtossen ... ... *Oxen.*	10	0	0			
		C. R. L. Hudson— Benoodigdheden ... ... *Necessaries.*	7	10	0			
		L. J. Molman— Beslaan paard ... ... *Shoeing horses.*	0	8	0			
		Tager en Norton— Mondbehoeften. ... ... *Bridles.*	6	12	0			
		J. E. J. Klaasen— Slachtossen ... ... *Oxen.*	15	0	0			
		Frankel & Co.— Benoodigdheden ... ... *Necessaries.*	24	10	0			
		C. Malan— Beslaan paard ... ... *Shoeing horses.*	0	8	0			
		H. J. Groenewald— Do. 8 paarden ... ... *Do. 8 horses.*	4	8	0			
		Hirsch and Schädtler— Trompetten vrijwilligers cavallerie ... *Trumpets for volunteer cavalry.*	8	17	6			
		J. C. De Klerk— Reparatie wagen gebroken op commando *Repairing broken waggons.*	8	0	0			
	2	J. Van der Merwe— Logies Burgers ... ... *Boarding Burghers.*	12	0	6			
		Hompes Seehof— Benoodigdheden ... ... *Necessaries.*	33	17	6			
		J. Kervlake— Voedsel kaffers ... ... *Food for Kaffirs.*	0	11	0			
		W. Klonowsky— Medicijnen commando ... ... *Medicine.*	1	12	6			
		J. C. Mulder— Slachtos ... ... *Ox.*	7	10	0			
		H. Jackson— 18 hamels ... ... 18 *Sheep.*	18	0	0			
		D. Breet— Voedsel Burgers .. .. *Food for Burghers.*	0	8	0			
		D. Frisby— Benoodigdheden ... . *Necessaries.*	96	13	9			
		A. Floelian— Voedsel Burgers ... ... *Food for Burghers.*	25	0	6			
		Dudfield— Benoodigdheden ... ... *Necessaries.*	129	5	9			
		Forward ... ... £	685	2	6	121,380	0	11

			£	s.	d.	£	s.	d.
		Forward	685	2	6	121,380	0	11
April	2	H. P. Dennison & Co.—						
		Benoodigdheden	12	7	0			
		Necessaries.						
		J. Brown—						
		Id.	72	16	0			
		Do.						
		G. Dunkly—						
		Id.	14	5	0			
		Do.						
		A. Hurzenegg & A. Fabel—						
		Benoodigdheden hospitaal...	114	14	6			
		Hospital necessaries.						
		Dezelfden (the same)—						
		Havergerven en voedsel	184	9	6			
		Oat-sheaves and food.						
		D. Spohr—						
		Huur wagens leveren goed enz.	26	0	0			
		Waggon hire and delivery of goods.						
	8	S. Albertyn—						
		Leveren 25 ossen	200	0	0			
		25 *oxen.*						
		H. A. Alberts—						
		Ossen en hamels	163	10	0			
		Oxen and sheep.						
	10	Phelps & Co.—						
		Medicijnen	1	13	0			
		Medicine.						
		W. Webb—						
		Slachtossen	8	0	0			
		Oxen.						
		Hookes & Co.—						
		Steenkool	9	0	0			
		Coal.						
		Dr. W. J. Watt—						
		Geneeskundige hulp	47	16	0			
		Doctor's attendance.						
		S. P. E. Prichardt—						
		Reiskosten	4	3	6			
		Travelling expenses.						
		Gosch Bros.—						
		Logieskosten...	6	0	0			
		Board and lodging.						
		Austin & Gibb—						
		Beslaan paarden	15	11	6			
		Shoeing horses.						
	13	W. J. Prinsloo & G. Vanwijk—						
		Wagenhuur	30	0	0			
		Waggon hire.						
	14	F. Van der Merwe—						
		Vervoer expressen	1	0	0			
		Carrying messages.						
		E. W. Hope—						
		Zadel	5	0	0			
		Saddle.						
		W. R. Life—						
		Provisie	29	0	0			
		Provisions.						
	15	J. Fay—						
		Benoodigdheden	17	16	6			
		Necessaries.						
		Dr. Messum—						
		Geneeskundige hulp	22	0	0			
		Doctor's attendance.						
		Dr. J. L. De Lange—						
		Vervoer rapport	2	0	0			
		Carrying a report.						
		D. J. Kok—						
		2,220 Havergerven, 9 zak aardappelen ...	95	5	0			
		2,220 *sheaves of oats and* 9 *bags of potatoes.*						
	16	G. J. Kruger—						
		2 ossen	18	0	0			
		2 *oxen.*						
		Forward ... ... £	1,785	10	0	121,380	0	11

		£	s.	d.	£	s.	d.
	Forward	1,785	10	0	121,380	0	11
16	C. W. Hennus—						
	1,500 havergerven	60	0	0			
	1,500 *sheaves of oats.*						
	C. Kruger—						
	1,748 havergerven	69	18	5			
	1,748 *sheaves of oats.*						
	C. W. F. Schultz—						
	Benoodigdheden	408	9	4			
	Necessaries.						
18	J. P. Ferreira—						
	Zadel en toom—Januari	6	0	0			
	Saddle and bridle—January.						
20	W. Millar & Co.—						
	Goederen	11	14	3			
	Goods.						
	Van Ryn & Idenburg—						
	Mineraal water, wacht	7	4	0			
	Mineral waters for guard.						
	Clark Roberts—						
	Provisie	63	12	0			
	Provisions.						
	J. Van Graan—						
	1,200 havergerven	61	15	0			
	1,200 *oat-sheaves.*						
	J. Van Graan—						
	96 zak aardappelen	144	0	0			
	96 *bags of potatoes.*						
	D. Mellett—						
	1,200 havergerven	48	0	0			
	1,200 *oat-sheaves.*						
	D. Adamson—						
	2 gordynen hospitaal, Krugersdorp ...	4	0	0			
	2 *hospital curtains.*						
	L. Gilfillan—						
	Beslaan paarden	7	14	0			
	Shoeing horses.						
	Ch. Ellis—						
	Vervoer Middelburg	5	14	6			
	Cartage at Middelburg.						
	Bourke & Co.—						
	Zadel en toom	4	10	0			
	Saddle and bridle.						
	D. Du Toit—						
	2,785 havergerven	136	5	0			
	2,785 *oat-sheaves.*						
	Toncken & Du Plessis—						
	Sardines en olie	1	7	0			
	Sardines and oil.						
25	J. Esselen—						
	17 slachtossen	153	0	0			
	17 *oxen.*						
	J. J. De Villiers—						
	Transport goed	22	0	0			
	Carriage of goods.						
	J. L. Conradie—						
	Klerk Krijgs commissaris, Maart	10	12	8			
	Clerk hire in March.						
27	Nederlandsche Zuid Afrikaansche Spoorweg Maatschappij—						
	Parafin en water Krijgsgevangenen Volksrust.	6	1	5			
	Paraffin and water for prisoners at Natal border.						
	Dr J. Wiedeman—						
	Verpleging Burghers	1	0	0			
	Boarding Burghers.						
	T. Kruger—						
	Vervoer Krijgsgevangenen	3	15	0			
	Carriage of prisoners.						
	T. Herbst—						
	Id.	1	10	0			
	Do.						
	Forward ... ... £	3,023	12	7	121,380	0	11

			£	s.	d.	£	s.	d.
		Forward	3,023	12	7	121,380	0	11
April	27	S. Herbst—						
		Vervoer Krijgsgevangenen... ... ... *Carriage of prisoners*		3	15	0		
		F. Ernst—						
		Id. ... ... *Do.*		3	15	0		
		J. H. Edwards—						
		Id. ... ... *Do.*		3	15	0		
		E. C. De Beer—						
		Id. ... ... *Do.*		3	15	0		
		J. A. Landman—						
		Id. ... ... *Do.*		3	15	0		
		F. Ernst—						
		Id. ... ... *Do.*		1	10	0		
		R. McKnight—						
		Id. ... ... *Do.*		3	15	0		
		Dezelfde (the same)—						
		Id. ... ... *Do.*		1	10	0		
		J. Herbst—						
		Id. ... ... *Do.*		1	10	0		
		B. E. Gerber—						
		Id. ... ... *Do.*		1	10	0		
		C. J. Kruger—						
		Id. ... ... *Do.*		3	0	0		
		M. M. Swart—						
		Id. ... ... *Do.*		1	10	0		
		T. J. Tromp—						
		Id. ... ... *Do.*		1	10	0		
		J. J. A. Pelzer—						
		Id. ... ... *Do.*		3	15	0		
		P. J. Smidt—						
		Id. ... ... *Do.*		3	15	0		
		M. A. Swart—						
		Id. ... ... *Do.*		1	10	0		
		J. J. A. Pelser—						
		Id. ... ... *Do.*		1	10	0		
		S. E. Eeloff—						
		Id. ... ... *Do.*		3	15	0		
		Dezelfde (the same)—						
		Id. ... ... *Do.*		3	15	0		
	28	Comm. D. J. Erasmus—						
		Diensten commando ... ... *Services as Commandant.*		42	0	0		
		S. Frebigean—						
		Provisie ... ... *Provisions.*		2	12	6		
		W. A. Krige—						
		Havergerven ... ... *Oat-sheaves.*		4	16	0		
		A. Ganton—						
		Benoodigdheden ... ... *Necessaries.*		3	4	9		
		R. P. Chapman—						
		Id. ... ... *Do.*		5	19	0		
		Forward ... ... £	3,134	14	10	121,380	0	11

			£	s.	d.	£	s.	d.
April	28	Forward	3,134	14	10	121,380	0	11
		Jolly & Adcock— Medicijnen ... ... *Medicine.*	12	7	6			
		Dezelfden (the same)— Id. ... ... *Do.*	4	7	6			
		B. Owen Jones— Id. ... ... *Do.*	0	5	0			
		Crowdy & Co.— Hoefijzers ... ... *Horse-shoes.*	1	1	0			
		R. Owen Jones— Medicijnen ... ... *Medicine.*	0	3	6			
		Dezelfde (the same)— Id. ... ... *Do.*	5	5	6			
		A. L. Murray & Co.— Havergerven ... ... *Oat-sheaves.*	6	15	0			
		Chs. F. Hancock— Goederen ... ... *Goods.*	11	4	6			
		Behrens Bros.— Voedsel ... ... *Food.*	10	5	0			
		H. Auerswald— Provisie ... ... *Provisions.*	16	12	6			
	29	Weilbach, J. D.— Diensten als commandant ... ... *Services as Commandant.*	62	5	0			
		J. W. Potgieter— Een kachel hospitaal Krugersdorp ... *Stove for Krugersdorp Hospital.*	14	0	0			
		Dr. Snel— Geneeskundige hulp ... ... *Doctor's Attendance.*	10	10	0			
		H. G. Nolan— Oppassen geweeren ... ... *Looking after rifles.*	35	0	0			
		G. D. J. Oppennan— Tank hospitaal Krugersdorp ... ... *Tank for Krugersdorp Hospital.*	7	10	0			
		W. Van Rensburg— 190 zak steenkolen ... ... 190 *bags of coal.*	42	15	0			
		S. J. Steenberg— Reparatie kar en zadel ... ... *Repairing cart and saddle.*	3	2	6			
		Dezelfde (the same)— Beslaan paarden ... . *Shoeing horses.*	48	16	0			
		J. C. Lande— Regenjas ... ... *A mackintosh.*	7	10	0			
		W. Bil Bros.— Hoefijzers enz. ... ... *Horse-shoes, &c.*	34	15	0			
		Homper & Seehoff— Benoodigdheden ... ... *Necessaries.*	72	17	6			
		A. Sheyne— Id. ... ... *Do.*	46	1	0			
		W. J. Engelbrecht— 2 slachtossen ... ... 2 *slaughter oxen.*	18	0	0			
		U. Frankisch— 20lb. vleesch ... ... 20*lbs. meat.*	0	13	4			
		Forward ... ... £	3,606	17	2			

			£	s.	d.	£	s.	d.
		Forward	3,606	17	2	121,380	0	11
April	29	J. A. Muller— Toelage als commandant ... ... *Grant as commandant.*	33	15	0			
		A. Lombard & Co.— Goederen ... ... *Goods.*	8	7	3			
		A. H. Jooste— Beslaan paarden enz. ... ... *Shoeing horses, &c.*	4	12	0			
		E. Bohn— Zadel ... ... *Saddle.*	4	0	0			
		A. D. Wilson & Co.— Goederen ... ... *Goods.*	132	15	0			
		B. Reynhal— Reparatie waterkar ... ... *Repairing water-cart.*	2	5	0			
		J. D. Pretorius— Karhuur ... ... *Cart hire.*	1	15	0			
		W. J. Tewater— 2 dozyn ossenriemen ... ... 2 *dozen ox-reins.*	1	10	0			
	30	C. Lietson & Co. Kost cav. corps Vrijwilligers ... ... *Board of Volunteer-Cavalry.*	30	0	0			
		W. C. Meyer— Dienst als Krijgs Commissaris, Jan.–April *Services as War Commissioner till Ap.* 1896	237	16	0			
		D. J. Boshoff— Klerk Krijgs Comm., April ... ... *His clerk, for April.*	15	0	0			
		Wissing Bros.— Goederen ... ... *Goods.*	13	7	0			
		M. Robinson & Co.— Havergerven ... ... *Oats.*	14	0	0			
						4,105	19	5
Mei	1	D. J. Boshoff— Klerk Krijgs Comm. Cal. Maart ... ... *Clerk-hire, March.*	4	7	4			
		M. C. De Beer— Oppassen zieke burgers commando ... *Attending sick burghers.*	1	10	0			
		Mey— Slachtos ... ... 1 *ox.*	4	0	0			
		D. B. Engelbrecht— Beslaan 33 paarden ... ... *Shoeing* 33 *horses.*	6	0	6			
		A. Krige— Voedsel burgers ... ... *Fodder.*	1	10	0			
		C. S. Van Heerden— 4 slachtossen ... ... 4 *oxen.*	20	0	0			
		A. Johnson & Co.— Benoodigdheden Krijgsgevangenen ... *Prisoners' necessaries.*	187	11	5			
		Fränkel & Co.— Onkosten in verband vervoer ammunitie *Ammunition transport.*	3	6	6			
		M. Kilian— Beslaan paarden ... ... *Shoeing horses.*	12	12	0			
		A. Cheyne— Geleverde goederen ... ... *Goods.*	6	0	0			
		C. W. Hudson— Wagenhuur ... ... *Waggon hire.*	4	0	0			
		Forward ... ... £	250	17	9	125,486	0	4

			£	s.	d.	£	s.	d.
		Forward	250	17	9	125,486	0	4
Mei	1	C. W. Hudson— Geleverde goederen ... ... *Goods.*	3	7	0			
		T. Linghmann— Geleverde goederen ... ... *Do.*	1	8	0			
		Dr. J. H. Coxoran— Medicinale hulp zieke burgers ... ... *Medicine for burghers.*	1	10	0			
		J. Brown— Goederen geleverd ... ... *Goods.*	28	13	6			
		W. Bower— 24 zak aardappelen ... ... 24 *bags of potatoes.*	24	0	0			
		J. Bower— Aardappelen en haver ... ... *Potatoes and barley.*	35	12	0			
		J. P. Focks— Benoodigdheden Jamison's troep ... ... *Prisoners' necessaries.*	20	16	0			
	4	Piet (Kaffer)— Reparatie kar ... ... *Repairing a cart.*	1	0	0			
		Souden en Stoddard— Regenjas burgers ... ... *A mackintosh for burghers.*	2	10	0			
		J. Nivers— Goederen burgers ... ... *Goods for burghers.*	203	18	9			
		A. Melville— Id. ... ... *Do.*	17	12	6			
	5	G. F. L. Bohlmann— Diensten in verband uitzoeken geweeren *Services in connection with searching for rifles.*	30	0	0			
		A. M. Campbell— 660 patronen ... ... 660 *cartridges.*	6	12	0			
		C. S. Van Heerden— 4 slachtossen ... ... 4 *oxen.*	20	0	0			
		J. Emlin— Reparatie wagens op commando gebroken *Repairing waggon.*	5	0	0			
		M. Marais— Goederen aan infanterie vrijwilligers corps *Goods for infantry volunteers.*	37	10	10			
	6	F. Alberts — Brood burgers ... ... *Bread for burgers.*	48	15	0			
	7	J. Mac Lean— Verpl. geweeren Krugersdorp ... ... *Attending to rifles.*	20	0	0			
		G. Williamson— Id. ... ... *Do.*	20	0	0			
		D. H. Griffiths— Id. ... ... *Do.*	20	0	0			
	8	Bourke & Co.— Goederen commando ... ... *Goods, do.*	2,004	18	6			
		J. C. Human— Diverse onkosten Krugersdorp ... ... *Divers expenses at Krugersdorp.*	187	15	9			
		J. R. Lavey & Co.— Goed Waterberg ... ... *Goods at Waterberg.*	8	0	0			
		Abraham Reichenberg— Goederen Heidelberg ... ... *Goods at Heidelberg.*	254	15	6			
		Forward ... ... £	3,254	13	1	125,486	0	4

			£	s.	d.	£	s.	d.
		Forward	3,254	13	1	125,486	0	4
Mei	8	J. L. De Lange—						
		Uitgaven in verband met commando ... *Commando expenses.*	1	2	6			
		J. B. De Kock—						
		Havergerven ... ... *Oat-sheaves.*	1	0	0			
		Dr. Anders—						
		Geneeskundige hulp ... ... *Doctor's attendance.*	1	8	6			
		J. Somers & Co.—						
		Goederen commando ... ... *Goods.*	5	10	10			
	12	T. W. Beckett & Co.—						
		Id. ... ... *Do.*	45	15	0			
		H. Hammann—						
		Onkosten in verband met commando ... *Commando—expenses.*	4	8	9			
		J. Cohen & J. Cooper—						
		Id. ... ... *Do.*	8	17	0			
		T. W. Beckett & Co.—						
		Id. ... ... *Do.*	7	3	0			
		T. W. Beckett & Co.—						
		Id. ... ... *Do.*	26	16	2			
		Commandant Cronje—						
		Dienst als commandant ... ... *Service as commandant.*	81	0	0			
		J. P. Du Toit—						
		2 ossen ... ... *2 Oxen.*	11	0	0			
	13	M. Wilton—						
		Voer commando ... ... *Cartage.*	4	0	0			
		E. J. Voigt—						
		Reparatie zadels ... ... *Repairs to saddles.*	20	0	0			
		Paddon and Brock—						
		Ververschingen burgers ... ... *Refreshments for Burghers.*	4	4	0			
		B. Reynhold—						
		Schoonmaken goederen loods Volksrust... *Cleaning goods at Volksrust.*	5	5	0			
		J. L. Van Wijk—						
		Diensten gedurende onlusten ... ... *Services during troubles.*	54	2	3			
		E. W. Hope—						
		Goederen burgers . . .. *Goods.*	17	12	6			
		Fowlie & Moore—						
		Id. ... ... *Do.*	20	0	0			
		S. Michielson—						
		Id. Jamison's troep ... ... *Do.*	14	17	6			
		C. F. Handcocks—						
		Id. burgers ... ... *Do.*	4	15	9			
		Gebr. Malan—						
		Vleesch burgers op commando ... ... *Meat.*	10	4	0			
		G. Hanneman—						
		Voedsel burgers ... ... *Food for Burghers.*	2	18	6			
		J. Herkins—						
		Kar en paardenhuur ... ... *Cart and horse hire.*	30	10	0			
		B. Greyling—						
		Oppassen paard ... ... *Looking after a horse.*	1	0	0			
		Forward ... ... £	3,638	4	4	125,486	0	4

			£	s.	d.	£	s.	d.
		Forward	3,638	4	4	125,486	0	4
Mei	16	B. J. Zeederberg— Accomodatie burgers ... ... *Boarding Burghers.*	10	4	0			
		T. R. Van Niekerk— Oppassen paard ... ... *Looking after a horse.*	1	0	0			
		J. Wilson— Reparatie zadels ... ... *Repairing saddles.*	4	8	0			
		W. Smit— 2 slachtossen ... ... 2 *Oxen.*	16	0	0			
		B. S. Wheeler— 1 zak meel ... ... 1 *bag of meal.*	3	0	0			
		J. S. Du Plessis— Reiskosten commando ... ... *Travelling expenses.*	2	5	0			
		J. S. Du Plessis— Vervoer Krijgsgevangenen ... ... *Carriage of Prisoners.*	1	10	0			
		P. Du Plessis— Id. ... ... *Do.*	3	0	0			
		Eagle Dispensary— Medicijnen burgers op commando ... *Medicine.*	4	15	0			
		J. J. Joliffe— Goederen burgers ... ... *Goods.*	4	17	0			
		E. Windthorst— Id. ... ... *Do.*	4	15	0			
		P. Van der Merwe J. Coetsee— Beslaan paarden ... ... *Shoeing horses.*	43	12	6			
		P. Robinson— Voedsel krijgsgevangenen ... ... *Food for prisoners.*	13	10	6			
		H. Vermaas— Beslaan paarden ... ... *Shoeing horses.*	9	6	0			
		Nandé Brothers— Benoodigdheden ... ... *Necessaries.*	35	3	6			
		J. Rossa— Beslaan paarden ... ... *Shoeing horses.*	82	10	0			
		Nandé Brothers— Goederen burgers ... ... *Goods.*	1	10	0			
		J. Pagan & Co.— Id. ... ... *Do.*	4	0	0			
		O. A. C.— Id. ... ... *Do.*	49	0	0			
		F. P. Wienaar— Medicijnen aan burgers ... ... *Medicine.*	14	0	0			
		E. W. Van Zweel— Id. ... ... *Do.*	17	0	0			
		C. M. Webb— Goederen burgers Comm. ... ... *Goods.*	5	15	0			
		J. D. Weilbach— 6 slachtossen... ... ... 6 *oxen.*	39	0	0			
		B. J. Gerber— Vervoer krijgsgevangenen... ... ... *Carriage for prisoners.*	1	10	0			
		Forward ... ... £	4,009	15	10	125,486	0	4

			£	s.	d.	£	s.	d.
		Forward	4,009	15	1	125,486	0	4
Mei	16	G. J. Coetsee—						
		Reiskosten vervoer rapp.	1	10	0			
		Travelling expenses in taking reports.						
		Dezelfde (the same)—						
		Id krijgsgevangenen	3	0	0			
		Do. for prisoners.						
		Fowlie en Moore—						
		Voedsel vervoer burgers	3	2	6			
		Food and carriage of Burghers.						
		H. L. Hammann—						
		Karhuur	1	15	0			
		Cart-hire.						
		G. J. Koetsee—						
		Vervoer krijgsgevangenen...	1	10	0			
		Carriage for prisoners.						
		Dezelfde (the same)—						
		Reiskosten in verband met onlusten ...	2	5	0			
		Travelling expenses.						
		Dezelfde (the same)—						
		Id en vervoer krijgsgevangenen	3	0	0			
		Do., and carriage for prisoners.						
		Dezelfde (the same)—						
		Id.	1	10	0			
		Do.						
		Dezelfde (the same)—						
		Id.	1	10	0			
		Do.						
		E. C. De Beer—						
		Reiskosten en vervoer krijgsgevangenen...	1	10	0			
		Travelling expenses and carriage for prisoners.						
	18	E. C. De Beer—						
		Id.	1	10	0			
		Do.						
		A. Van der Linde—						
		Vervoer ammunitie	26	0	0			
		Transport of ammunition.						
		J. Buhrmann—						
		Een paard commando	18	0	0			
		1 *horse.*						
		A. Mostert—						
		Id.	12	0	0			
		Do.						
	19	Lowenstein & Co.—						
		Benoodigdheden burgers	15	5	6			
		Necessaries for burghers.						
		Brown & Co.—						
		Regenjas	3	5	0			
		A mackintosh.						
		Jan Meyer—						
		Beslaan paarden	9	0	0			
		Shoeing horses.						
		A. M. Gesicke—						
		Id.	4	16	0			
		Do.						
	23	Swan & Wells—						
		Goederen commando	259	19	6			
		Goods.						
	26	J. E. Wills—						
		Halen en oppassen paarden	1	15	0			
		Bringing and looking after horses.						
		E. W. Noyse & Co.—						
		Goederen aan burgers	47	18	0			
		Goods for burghers.						
	28	P. R. Viljoen—						
		Boter aan burgers	3	0	0			
		Butter for burghers.						
		W. C. Brokenstra & Co.—						
		Goederen aan burgers	39	10	0			
		Goods for burghers.						
	29	S. J. Petersen & Co.—						
		Benoodigdheden gevangenen en gewonden Hosp. Krugersdorp.	69	0	8			
		Necessaries in hospital for wounded and prisoners.						
		Forward ... ... £	4,541	8	0	125,486	0	4

			£	s.	d.	£	s.	d.
		Forward	4,541	8	0	125,486	0	4
Mei	29	B. Steyn— Goederen aan burgers ... ... *Goods for Burghers.*	81	17	0			
,,	30	D. J. Boshof— Salaris Klerk Krijgs. Comm. ... ... *Clerk hire.*	15	0	0	4,638	5	0
Juni	1	McHarry & Co.— Goederen commando ... ... *Goods for the commando.*	9	11	0			
		G. Mangan— Id. ... ... *Do.*	6	0	0			
		R. C. Francis & Co.— Id. ... ... *Do.*	6	0	0			
		L. Meyers— Id. ... ... *Do.*	6	0	0			
		R. Hamilton— Id. ... ... *Do.*	6	0	0			
		J. Louttit— Id. ... ... *Do.*	6	0	0			
		E. J. Loteryman & Co.— Id. ... ... *Do.*	12	0	0			
		P. Kenwoods, Soutter & Co.— Goederen commando ... ... *Do.*	12	0	0			
		G. Heys & Co.— Id. ... ... *Do.*	6	0	0			
		T. W. Beckett & Co.— Id. ... ... *Do.*	6	0	0			
		Bourke & Co.— Id. ... ... *Do.*	6	0	0			
		E. J. Loteryman & Co.— Id. ... ... *Do.*	102	0	0			
		R. C. Francis & Co.— Id. ... ... *Do.*	18	0	0			
		J. Louttit— Id. ... ... *Do.*	6	0	0			
		W. Millar & Co.— Id. ... ... *Do.*	18	0	0			
		E. J. Loteryman & Co.— Id. ... ... *Do.*	18	0	0			
		Dezelfde (the same)— Id. ... ... *Do.*	48	0	0			
		Turkstra & Co.— Id. ... ... *Do.*	6	0	0			
		E. J. Loteryman & Co.— Id. ... ... *Do.*	77	2	10			
		Railton, Boushed & Co.— Id. ... ... *Do.*	6	0	0			
		Store Brothers— Id. ... ... *Do.*	6	0	0			
		Dezelfden (the same)— Id. ... ... *Do.*	6	0	0			
		Forward	392	13	10	130,124	5	4

			£	s.	d.	£	s.	d.
		Forward	392	13	10	130,124	5	4
Juni	1	Store Brothers— Goederen commando ... . *Goods.*	6	0	0			
		Dezelfden (the same)— Id. ... ... *Do.*	12	0	0			
		Tilanus & Van Griethuizen— Id. ... ... *Do.*	6	0	0			
		Van Willis & Piernecf— Id. ... ... *Do.*	6	0	0			
		C. J. Thorn— Id. ... ... *Do.*	6	0	0			
		Dezelfde (the same)— Id. ... ... *Do.*	6	0	0			
		J. R. Jones & Co.— Id. ... ... *Do.*	3	11	6			
		W. A. Schrübstock— Id. ... ... *Do.*	9	2	0			
„	2	W. D. Smith— Huur trolley en paardvervoer Krijgsgevangenen, *Hire of trolley and horses for prisoners.*	33	0	0			
		K. Van Ryssen, jr.— Dienst als wacht ... ... *Service as guard.*	6	0	0			
		Ready Money Outfitting Company— Goederen commando ... ... *Goods.*	18	0	0			
		A. Truscott— Diensten als oppasser commando ... ... *Services as guard.*	22	10	0			
		A. Johnston & Co.— Kleederen burgers comm. ... ... *Clothing.*	8	5	6			
		M. J. Schutte— Compensatie paard ... ... *Compensation for a horse.*	25	0	0			
„	4	Perks en Perks— Berging goederen comm. ... ... *Storing goods for the command.*	60	0	0			
		F. H. Garland— Dienst hospitaal, Krugersdorp ... ... *Hospital service.*	22	10	0			
	5	Harry Gold— Id. ... ... *Do.*	20	0	0			
		J. Eppel— Id. ... ... *Do.*	20	0	0			
		C. Lewton— Id. ... ... *Do.*	20	0	0			
		H. F. Prinsloo— 1 slachtos ... ... *1 ox.*	6	0	0			
		T. W. Beckett & Co.— Goederen commando ... . *Goods.*	6	0	0			
		J. D. L. Botha— Dienst als commandant ... ... *Services as commandant.*	30	15	0			
		T. De Moor— Dienst als wacht ... ... *Services as guard.*	6	0	0			
		Forward ... ... £	751	7	10	130,124	5	4

			£	s.	d.	£	s.	d.
		Forward	751	7	10	130,124	5	4
Juni	9	Turkstra & Co.—						
		Provisie commando	66	0	0			
		Provisions.						
		F. Rubber & Co.—						
		Goederen hospitaal, Krugersdorp	25	2	6			
		Hospital goods, Krugersdorp.						
	10	P. J. Lootz—						
		Cabhuur Krijgsgevangenen	2	0	0			
		Cab hire for prisoners.						
		R. Hamilton—						
		Goederen commando	6	0	0			
		Goods.						
	11	Dr. E. Rosenberg—						
		Geneeskundige hulp, Krugersdorp ...	55	13	0			
		Doctor's attendance.						
		Dr. Snell—						
		Id.	53	11	0			
		Do.						
	12	H. F. Muller—						
		Slachtossen	9	0	0			
		Oxen.						
		J. Woest—						
		Slaapk. burgers	0	12	0			
		Pillows for Burghers.						
		P. J. Burger, jr.—						
		Goederen commando	12	0	0			
		Goods.						
		A. Johnston & Co.—						
		Id.	19	0	0			
		Do.						
		D. J. Joubert—						
		Toelage Commandant	13	10	0			
		Subvention to Commandant.						
		H. Sonner O. Rigill—						
		Beslaan paarden	30	17	6			
		Shoeing horses.						
		H. P. Malan—						
		Reis en verblijfkosten onlusten	12	6	0			
		Travelling expenses and lodging.						
	16	Lewton & Co.—						
		Benoodigdheden hospitaal, Krugersdorp	24	6	0			
		Hospital necessaries.						
		Löwenstein and Co.—						
		Goederen commando	15	5	6			
		Goods.						
		H. Geyer—						
		Havergerven	75	0	0			
		Oat-sheaves.						
		J. Geyer—						
		Id.	45	4	0			
		Do.						
		Clark & Roberts—						
		Geleverde goederen	61	0	0			
		Goods delivered.						
		A. Johnston & Co.—						
		2 regenjassen	7	0	0			
		2 mackintoshes.						
		Solomon & Gordon—						
		Goederen	13	6	8			
		Goods.						
		W. Watt—						
		Benoodigdheden commando	0	18	0			
		Necessaries.						
		Jan De Villiers—						
		Paard verloren	15	0	0			
		For a lost horse.						
		T. W. Beckett & Co.—						
		Goederen commando	12	0	0			
		Goods.						
	18	—Thorn—						
		Id.	6	0	0			
		Do.						
		Forward	1,332	0	0	130,124	5	4

			£	s.	d.	£	s.	d.
		Forward	1,332	0	0	130,124	5	4
Juni	18	Tilanus and Van Griethuizen—						
		Goederen commando	30	0	0			
		Goods.						
		Payne Bros.—						
		Id.	85	10	0			
		Do.						
		Ready Money Outfitting Co.—						
		Id.	150	0	0			
		Do.						
		J. Louttit—						
		Id.	24	0	0			
		Do.						
		Bourke & Co.—						
		Id.	42	0	0			
		Do.						
		Harvey, Greenacre & Co.—						
		Id.	6	0	0			
		Do.						
		R. Hamilton—						
		Id.	30	10	0			
		Do.						
		A. Johnston & Co.						
		Id.	54	0	0			
		Do.						
		J. Louttit—						
		Id.	6	0	0			
		Do.						
		J. Louttit—						
		Id.	12	0	0			
		Do.						
		R. Hamilton—						
		Id.	120	0	0			
		Do.						
		Enslin Brothers—						
		Vleesch commando	19	17	2			
		Meat for the commando.						
	23	A. M. Brooke—						
		Oppassen gewonders, Krugersdorp ...	18	0	0			
		Looking after the wounded, Krugersdorp.						
		S. W. Coates—						
		Id.	20	0	0			
		Do.						
	25	Luipaardsvlei Exploration Gold Mining Co.—						
		Benoodigdheden commando, Krugersdorp	34	5	0			
		Necessaries for the commando, at Krugersdorp.						
		C. M. Douthwaite—						
		Voedsel enz	3	10	0			
		Fodder, &c.						
		Murray J. Webb—						
		39 zak steenkolen commando	9	15	0			
		39 *bags of coal.*						
	26	Dezelfden (the same)—						
		30 Id.	7	10	0			
		30 *Do.*						
		Dr. Klein—						
		Verpleging burgers onlusten	4	14	0			
		Attendance on Burghers in disturbances.						
	29	Store Brothers—						
		Goederen wacht	6	0	0			
		Goods for a guard.						
		Dezelfden (the same)—						
		Goederen commando	12	0	0			
		Goods.						
		Dezelfden (the same)—						
		Id.	6	0	0			
		Do.				2,033	11	2
	1	P. J. Bezuidenhout—						
		Beslaan 49 paarden	8	11	6			
		Shoeing 49 horses.						
		J. C. Heynecke—						
		Slachtos	6	0	0			
		1 *Ox.*						
		Forward ... ... £	14	11	6	132,157	16	6

			£	s.	d.	£	s.	d.
		Forward	14	11	6	132,157	15	6
Juli	1	J. C. Heynecke Azn—						
		Slachtos	6	0	0			
		1 *Ox.*						
		M. J. Becker—						
		Id.	7	0	0			
		Do.						
		Kortmann—						
		Id.	4	0	0			
		Do.						
		Jan—						
		Id.	4	0	0			
		Do.						
		Job—						
		Id.	4	0	0			
		Do.						
		Bodi—						
		Id.	5	0	0			
		Do.						
		Van der Byl & Co.—						
		Voeder muilen Jamison's transport ...	19	0	0			
		Fodder for mules of Jameson's transport.						
		J. A. Grebbins—						
		Goederen M. W. Stroom commando ...	131	17	0			
		Goods at Martinus Wessels Stroom.						
		Harvey, Greenacre & Co.—						
		Id.	6	0	0			
		Do.						
		Loteryman & Co.—						
		Id.	19	11	0			
		Do						
		Dezelfden (the same)—						
		Id.	6	0				
		Do.						
		A. Johnston & Co.—						
		Id.	12	0	0			
		Do.						
		H. Dudfield—						
		Id.	14	8	6			
		Do.						
		Ready Money Outfitting Co.—						
		Id.	6	0	0			
		Do.						
		T. W. Beckett & Co.—						
		50 lbs. koffy	5	0	0			
		50 *lbs. of coffee.*						
"	2	D. J. Boshoff—						
		Salaris klerk krijg's comm.	15	0	0			
		Clerk-hire.						
		A. Z. A. Briell—						
		Wagenhuur onl.	10	0	0			
		Waggon-hire.						
		H. C. Van der Merwe—						
		4 slachtossen	36	0	0			
		4 *oxen.*						
		Hayter en Hinds—						
		Geleverde goederen	10	0	0			
		Goods.						
		T. W. Beckett & Co.—						
		122 regenjassen commando	396	10	0			
		122 *mackintoshes for the commando.*						
"	3	J. L. Malan—						
		1,000 havergerven	40	0	0			
		1,000 *oat-sheaves.*						
		Shilling—						
		Slachtkoe	4	0	0			
		Cow.						
		Sarel Eloff—						
		Toelage paardenhuur	4	16	0			
		Horse-hire allowance.						
"	6	September, kaffer—						
		Slachtbul	3	10	0			
		1 *Ox.*						
		Forward .. .. £	784	4	0	132,157	16	6

			£	s.	d.	£	s.	d.
		Forward	784	4	0	132,157	16	6
Juli	7	McLockie and Tewater— Wagenhuur, Krugersdorp ... ... *Waggon-hire.*	34	10	0			
		Cairncross and Zillen— Goederen burgers ... ... *Goods.*	29	1	4			
		E. G. Heather & Co.— 1 doz. melk ... ... *Milk.*		9	0			
		Perks en Perks— 3 paarden commando ... ... 3 *horses.*	60	0	0			
		W. Heyneke— Reparatie geweeren ... ... *Repairs to rifles.*	0	10	0			
		Kortmann— Een koe ... ... *Do.*	5	0	0			
		A. C. Ellis— Id. ... ... *Do.*	5	0	0			
		Hermanns— Id. ... ... *Do.*	4	10	0			
		Boci— Id. ... ... *Do.*	5	0	0			
	3	J. M. Malan— Huur gebouw van Dr. Wolff ... ... *House-hire.*	6	0	0			
		B. D. Marais— Wagenhuur onlusten ... ... *Waggon-hire.*	18	0	0			
	10	G. Du Plessis— Wagenhuur commando ... ... *Waggon-hire.*	6	0	0			
	11	Malicund— Slachtos ... ... 1 *ox.*	6	0	0			
		Jan— Id. ... ... *Do.*	6	0	0			
	13	H. Rübinstein— Goed grenswacht ... ... *Goods for frontier guard.*	1	11	0			
		L. Smith— Id. ... ... *Do.*	1	9	0			
	14	C. W. Dekker— Dienst hospitaal, Krugersdorp ... ... *Hospital service.*	37	10	0			
		Malanghenei— Burgers opr. ... ... *Lodging Burghers.*	2	5	0			
		T. Viljoen— Express rijden ... ... *Carrying message.*	3	16	6			
		R. Van der Rijst— Vervoer krijgsgevangenen... ... ... *Carriage for prisoners.*	4	0	0			
	16	Hans— Slachtvee voor commando ... ... *Slaughter oxen.*	4	0	0			
	21	W. C. Meyer— Salaris krijgs commissaris over de maanden Mei en Juni. *War Commissioner's Salary, May and June,* '96.	125	1	0			
	28	Klaas— Slachtos ... ... 1 *ox.*	5	10	0			
		Forward ... ... £	1,155	6	10	132,157	16	6

			£	s.	d.	£	s.	d.
		Forward	1,155	6	10	132,157	16	6
Juli	30	H. C. Visser—						
		Onkosten Jamison commando ... ... *Expenses for commando.*	30	0	0			
	31	Dr. C. W. Steenberg—						
		Diensten aan burgers Rietfontein lager ... *Services to Burghers at Rietfontein camp.*	25	14	0			
		Perks en Perks—						
		Bergen Gouvts. goed ... ... *Storage of govt. goods.* .	15	0	0			
		D. J. Boshoff—						
		Salaris als klerk van den krijgs commissaris *Clerk-hire for June.*	15	0	0			
						1,241	0	10
Augustus	1	D. J. E. Opperman—						
		Slachtbul commando ... ... 1 *ox.*	4	0	0			
		Lanken—						
		Karhuur burgers ... ... *Cart-hire.*	14	0	0			
	5	A. Troby—						
		Benoodigdheden commando ... ... *Necessdries.*	6	3	0			
	6	H. C. W. Vermaas—						
		Diensten als Commandant ... ... *Services as Commandant.*	15	0	0			
		J. E. Van der Werthuizen—						
		Vervoer 2 paarden ... ... *Bringing over 2 horses.*	1	10	0			
		N. J. Labuschagne—						
		600 havergerven ... ... 600 *oat-sheaves.*	18	0	0			
		W. C. Meyer—						
		Krijgs commissaris ... ... *War Commissioner's salary, July.*	63	11	0			
	7	J. Richardson—						
		Goederen burgers commando ... ... *Goods.*	38	3	9			
		C. Snoeck & Co.—						
		Kleeding ... ... *Clothing.*	51	1	0			
		R. White—						
		7 ossen ... ... 7 *oxen.*	45	10	0			
		J. T. Vercueil—						
		2 slachtossen 100 zak meel ... ... 2 *oxen*, 100 *bags of meal.*	151	0	0			
		B. G. Richter—						
		Beslaan 13 paarden .. .. *Shoeing* 13 *horses.*	6	10	0			
		Schultze & Harvey—						
		Suiker, enz. ... ... *Sugar, etc.*	2	19	6			
		J. A. LeRoux—						
		1 zak mealies ... ... 1 *bag of Indian corn.*	1	2	6			
		Store Bros.—						
		Benoodigdheden commando ... .. *Necessaries.*	30	13	6			
		C. Oosthuizen—						
		Beslaan paard ... ... *Shoeing horses.*		8	0			
		Oortman, Smit & Hod—						
		Vervoer buitpaarden ... ... *Bringing over horses.*	3	0	0			
		M. Donald Keet—						
		Goederen commando ... ... *Goods.*	3	15	0			
		A. J. Van Vuuren—						
		Oppassen paard ... ... *Looking after horses.*	1	0	0			
		H. O. Ekstein—						
		Goederen commando ... ... *Goods.*	33	0	3			
		Forward ... ... £	490	7	6	133,398	17	4

			£ s. d.	£ s. d.
		Forward	490 7 6	133,398 17 4
Augustus	7	R. Golach— Goederen commando ... ... *Goods.*	4 15 0	
		M. J. Maullen— Beslaan paarden ... ... *Shoeing horses.*	9 12 0	
		Booi— Oppassen buitpaarden ... ... *Looking after horses.*	2 0 0	
„	11	L. J. C. Du Toit— Dienst als wd. veld-cornet ... ... *Services as acting field-cornet.*	28 15 0	
		J. C. Mulder— Id. ... ... *Do.*	37 10 0	
„	21	J. D. Fritz & F. Stegmann— Voedsel voor burgers Marico ... ... *Fodder at Marico.*	4 0 0	
		J. G. Louw— Huur paard ... ... *Horse-hire.*	5 5 0	
		M. Dames— Vervoer mondprovisie ... ... *Fodder transport.*	2 0 0	
		Benn A. Kunn— Paardenhuur depeche Hoogen Commissaris aan Jamison Cs. *Horse-hire for carrying High Commissioner's despatch to Jameson.*	15 14 0	
		J. Triback— Eetwaren burgers ... ... *Food for burghers.*	7 3 9	
		Jno. Reid & Co.— Id. ... ... *Do.*	5 12 6	
		J. C. Wilsenach— Id. ... ... *Do.*	8 7 1	
		J. Pannelt— Id. ... ... *Do.*	1 0 10	
		Turkstra en Co.— Id. ... ... *Do.*	6 0 0	
„	25	L. Viljoen— Diensten als commandant ... ... *Services as commandant.*	7 10 0	
„	27	W. Wheeler— Vracht brandhout ... ... *Freight of firewood.*	11 10 0	
„	29	Central Pharmacy— Medicijnen burgers... ... . *Medicine.*	17 0	
		A. B. Lagson— Goederen burgers ... ... *Goods.*	38 4 6	686 4 2
September	1	Meyer— Krijgs Commissaris ... ... *War Commissioner's salary for August.*	63 11 0	
		D. J. Boshoff— Klerk van, Id. ... ... *His clerk's pay, Do.*	15 0 0	
„	3	C. H. Brinck— 250 havergerven ... ... *Oats.*	10 0 0	
		Dezelfde (the same)— Wegsleepen doode paarden Jameson ... *Carrying away Jameson's dead horses.*	4 10 0	
„	5	J. Judas & Co.— Meel enz voedsel gewonden Krugersdorp *Meal, &c., food for wounded.*	14 10 0	
		Forward ... ... £	107 11 0	134,085 1 6

			£	s.	d.	£	s.	d.
		Forward	107	11	0	134,085	1	6
September	8	C. Eloff— Brood, Krugersdorp... ... ... *Bread.*	5	12	0			
„	18	W. D. Parker— Haver. Cav. Vrijw. corps ... ... *Oats for Cavalry—Volunteers.*	20	0	0			
„	25	Asher en Tienstra— Regenjas burgers op commando ... ... *A mackintosh for a Burgher.*	3	10	0			
		Kleyn en Volker— Goederen commando ... ... *Goods.*		14	0			
		E. G. Robertson— Id. ... ... *Do.*	1	9	0			
„	26	A. G. Van Deventer— 2 ossen ... ... 2 *oxen.*	16	0	0			
October	1	D. J. Boshoff— Salaris klerk krijgs commissaris ... ... *Clerk hire for Sept.*, 1896.	15	0	0	154	16	0
		W. C. Meyer— Id. krijgs commissaris ... ... *War-Commissioner's Salary for September.*	61	10	0			
„	3	P. J. Parsons— Huur van van wagens in verband met commando. *Waggon hire.*	4	0	0			
		F. Nicholson— Benoodigdheden von krijgsgevangenen ... *Necessaries for prisoners.*	23	14	6			
„	2	M. J. Labuschagne— 1200 havergerven ... ... *Oats.*	36	0	0			
„	16	J. C. Coetsee— Beslaan paarden enz. ... ... *Shoeing horses, &c.*	61	8	9			
		J. Berkly— Compensatie verlies zadel... ... ... *Compensation for lost saddle.*	6	10	0			
		C. J. Claassens— Oppassen paard ... ... *Looking after a horse.*	1	5	0			
		G. Clark— Id. ... ... *Do.*	2	2	6			
		E. Pretorius— Id. ... ... *Do.*	1	10	0			
		S. Greyling— Id., 7 id. ... ... *Do.*	4	14	0			
	19	Harvey, Greenacre & Co.— Goederen burgers op Commando M. W. Stroom. *Goods at Martinus Wessels Stroom.*	35	2	0			
	23	W. S. Barratt— Slachtos commando ... ... 1 *ox.*	7	0	0			
		T. W. Johnson— Rijden expressen ... ... *Taking message.*	35	2	0			
		D. P. Vorster— Vervoer vracht haver ... ... *Oats—transport.*	1	0	0			
		L. M. Pretorius— Vervoer vracht haver ... ... *Oats—transport.*	1	10	0			
	28	H. Smoot— Vervoer artilleristen ... ... *Carriage of artillerymen.*	7	10	0			
		Forward ... ... £	304	18	9	134,239	17	6

			£	s.	d.	£	s.	d.
		Forward	304	18	9	134,239	17	6
October	28	C. W. Steenberg— Geneeskundige hulp burgers commando... *Doctor's attendance.*	6	6	0			
„	30	D. Boshoff— Salaris klerk krijgs commissaris October... *Clerk hire for October*, 1896.	15	0	0			
		P. J. Redelinghuis— Wagenhuur ... ... *Waggon hire.*	23	0	0			
		T. W. Beckett en Co.— Goederen geleverd ... ... *Goods.*	91	10	1			
		W. C. Meyer— Dienst als krijgs comm. ... ... *Salary of War Commr. for October.*	63	11	0			
						504	5	10
November	6	J. L. Jordaan— Onkosten voor tuigen beesten ... ... *Harness.*	1	4	9			
„	17	H. Younghson— 2 zakken boerenmeel commando Boksburg *2 bags of meal.*	8	0	0			
„	25	L. J. Meyer— Tel. kosten vervoer expressen ... ... *Carrying messages.*	24	15	0			
		A. S. Gibson— Slachtos ... ... 1 *Ox.*	6	10	0			
		C. A. Vercueil— 4 dagen reistoelage ... ... 4 *days' travelling allowance.*	3	0	0			
„	30	W. C. Meyer— Dienst als krijgs comm. ... ... *War Commissioner's salary for November*	61	10	0			
		D. J. Boshoff— Id. als klerk id. ... ... *His clerk's pay, Nov.*, 1896.	15	0	0			
						119	19	9
December	3	P. Staunch— Huur paard, Januari ... . *Hire of horse for January*, 1896.	3	15	0			
		W. D. Mills— Logies burgers ... ... *Lodging for Burghers.*	4	5	0			
		W. Raphael— Id. ... ... *Do.*	9	7	6			
		W. N. Gläser— Diensten als secretaris bij commando en officiren Dec., 1895. *Sec.'s salary for commando in December*, 1895.	41	0	0			
		P. D. Swart— Benoodigdheden Jan. ... ... *Necessaries.*	90	10	9			
„	4	J. Shepston— Huur van een paard Jan. ... ... *Horse hire.*	6	0	0			
		C. Nell— Id. ... ... *Do.*	5	5	0			
		D. Coetzee— Huur van 2 paarden Januari ... ... *Horse-hire.*	10	10	0			
		D. J. Swart— Id., 1 do. ... ... *Do.*	6	0	0			
		F. A. Jacobs— Id., 1 do. ... ... *Do.*	6	0	0			
		R. Gouthwood— Id., 1 do. ... ... *Do.*	5	5	0			
		J. A. Kaber— Id., 1 do. ... ... *Do.*	5	5	0			
		Forward ... ... £	193	3	3	134,864	3	1

			£	s.	d.	£	s.	d.
		Forward	193	3	3	134,864	3	1
December	4	P. J. Van der Merwe—						
		Huur van 2 paarden Januari	10	10	0			
		Horse-hire, two horses in January.						
		P. Potgieter—						
		Id. 1 do.	4	10	0			
		Do.						
		P. A. G. Engelbrecht—						
		Id.	6	0	0			
		Do.						
		W. Webster—						
		Id.	4	17	6			
		Do.						
		E. Mühl—						
		Id.	4	17	6			
		Do.						
		J. J. Niemand—						
		Id.	3	15	0			
		Do.						
		Kapn. Gupani—						
		Id. 7 do.	13	10	0			
		Do.						
		F. Cooklin—						
		Id. 2 do.	6	0	0			
		Do.						
„	17	H. A. Forster—						
		Huur van paarden en wagens Januari ...	52	10	0			
		Horse and waggon hire.						
„	31	W. C. Meyer—						
		Dienst krijg's comm. December	63	11	0			
		War Commissioner's pay for December, 1896.						
1897.						363	4	3
Januari	4	D. J. Boshoff—						
		Salaris klerk krijg's commissaris	15	0	0			
		His clerk's pay for December, 1896.						
		H. Archer & Co.—						
		Goederen burgers op commando	24	14	6			
		Goods for Burghers on commando.						
		D. Warnich—						
		Compensatie paard verloren op commando	16	10	0			
		Lost horse (compensation).						
		Th. Lierk & Co.—						
		Goederen burgers op commando	4	16	10			
		Goods for Burghers on commando.						
		Pretoria Turf Club—				61	1	4
		Schadevergoeding berging Jamison's troepers.	—			235	19	0
		For putting up Jameson's troopers.						
		Ned. Zuid Afrikaansche Spoorweg Maatschappij voor beslaan van paarden...	—			263	16	7
		Horse-shoeing by Netherlands Railway Co.						
		J. A. Van der Bijl—						
		voor 135 beesten à £7 voor commando ...	—			945	0	0
		135 *oxen for the commando at* £7.						
		Te samen ...				136,733	4	3
		Total ... £				136,733	4	3

S. E. & O.

2. Vergoeding aan de Nederlandsche Zuid Afrikaansche Spoorweg Maatschappij.

(2.) *Compensation to the Netherlands S. A. Railway Company.*

1896.		£ s. d.	£ s. d.
Juli 29	Vergoeding aan de Nederlandsche Zuid Afrikaansche Spoorweg Maatschappij, wegens het in gebruik nemen overeenkomstig de aan die Maatschappij verleende Concessie, van den door haar geexploiteerden Spoorweg gedurende het commando wegens den inval van Dr. Jamison	£9,500 0 0	
			£9,500 0 0
	Compensation to the Netherlands S.A. Railway Co. for the use—according to their Concession —of their lines during the "Commando" on account of the Jameson Raid		£9,500 0 0

3. Uitkeeringen aan nagelaten betrekkingen van gesneuvelden en aan gewonden.

(3). *Disbursements to the Relatives of Burghers who were killed, and to the wounded.*

1896.		£ s. d.	£ s. d.
Maart 21	M. S. Potgieter— Ondersteuning Wed van Potgieter gesneuveld Krugersdorp Januari, Februari, Maart, 1896 à £10. *Assistance to Potgieter's widow, January, February, and March*, 1896.	30 0 0	
Mei 15	Dezelfden (the same)— Over April, 1896 ... ... *Do. for April*, 1896.	10 0 0	
29	Dezelfden (the same)— Over Mei, 1896 ... ... *Do. for May*, 1896.	10 0 0	
Juli 3	Dezelfden (the same)— Over Juni, 1896 ... ... *Do. for June*, 1896.	10 0 0	
31	Dezelfden (the same)— Over Juli, 1896 ... ... *Do. for July*, 1896.	14 0 0	
Sept. 1	Dezelfden (the same)— Over Augustus, 1896 ... ... *Do for August*, 1896.	10 0 0	
Oct. 4	Dezelfden (the same)— Over September, 1896 ... ... *Do. for September*, 1896.	10 0 0	
			94 0 0
	J. C. Jacobs—		
Maart 21	Wed Ondersteruning Januari, Februari, Maart à £10. *Assistance to Jacob's widow: January, February, and March*, 1896.	30 0 0	
Juni 4	Dezelfden (the same)— Over April ... ... *Do. for April.*	10 0 0	
Juli 3	Dezelfden (the same)— Over Mei ... ... *Do. for May.*	10 0 0	
31	Dezelfden (the same)— Over Juni ... ... *Do. for June.*	10 0 0	
			60 0 0
September 12	Dr. Anders— Verpleging van de weduwe van den gesneuvelden F. Venter. *To Dr. Anders, for attendance on widow of late F. Venter.*		27 19 6
	A. Machall— Geneeskundige hulp aan M. Du Plessis... *To Dr. Machall, for attendance on M. Du Plessis.*		53 0 0
		Total ...	£234 19 6

4. LIJFRENTEN, UITKEENINGEN EN PENSIOENEN VAN WEDUWEN EN KINDEREN EN FAMILIE-BETREKKINGEN VAN GESNEUVELDE BURGERS EN AAN GEWONDE BURGERS IN TE GAAN OP 1 JANUARI 1896.

(4.) *Annuities, Disbursements, and Pensions for Widows, Children, and Relatives of Burghers killed, and for wounded Burghers, reckoned from January 1st, 1896.*

	£	s.	d.
Voor de weduwe van *P. F. J. Venter*, in 1896 oud 19 jaar eene rente van £300 per jaar ...	6,096	2	6
Voor haar zoon, geboren in 1896, eene jaarlijksche uitkeering van £25 per jaar tot op 19 jarigen leeftijd	329	14	6
Voor de weduwe van *G. Jacobs*, geboren in 1853, eene rente van £300 per jaar	4,754	7	9
Voor eene jaarlijksche uitkeering van £25 per jaar tot op 19 jarigen leeftijd van hare kinderen, n.l. :—			
Voor een zoon geboren in 1881	99	4	9
„ „ „ „ „ 1883	164	7	0
„ „ „ „ „ 1886	202	4	9
„ „ „ „ „ 1893	308	14	0
„ „ „ „ „ 1896	329	14	6
Voor de weduwe van *A. Potgieter*, in 1896 oud 40 jaar eene rente van £300 per jaar ...	4,984	0	3
Voor eene jaarlijksche uitkeering van £25 per jaar tot op 19 jarigen leeftijd, aan haar kinderen, n.l. :—			
Voor een dochter in 1896 oud 15 jaar ...	99	4	9
„ „ „ „ „ „ 13 „ ...	143	3	0
„ „ „ „ „ „ 11 „ ...	183	15	6
„ „ „ „ „ „ 8 „ ...	237	8	9
„ „ „ „ „ „ 7 „ ...	252	18	3
„ „ „ „ „ „ 5 „ ...	281	19	0
„ „ „ „ „ „ 3 „ ...	305	8	9
„ „ „ „ „ „ 1 „ ...	318	12	0
Voor de familie betrekkingen van twee gesneuvelde ongehuwd burgers, D. MacDonald en S. van Tonder	2,000	0	0
Voor den gekwetsten burger B. Van den Berg, in 1896, oud 23 jaar, een pensioen van £12 10s. per maand	2,900	0	0
Voor den gekwetsten burger H. Cronje, in 1896 oud 21 jaar, een pensioen van £10 per maand	2,066	0	0
Voor den gekwetsten burger F. J. Van der Walt, in 1896 oud 35 jaar, een pensioen van £10 per maand	2,186	0	0
	28,243	0	0

(1) *For the widow of P. F. J. Venter, aged 19 years in* 1896, *a yearly sum of* £300 ...	6,096	2	6
For her son, born in 1896, *an annuity of* £25 *until his nineteenth year*	329	14	6
(2) *For the widow of G. Jacobs, born in* 1853, *an annuity of* £300	4,754	7	9
For an annuity of £25, *until their nineteenth year, to her children* :—			
One son born in 1881	99	4	9
„ „ „ „ 1883	164	7	0
„ „ „ „ 1886	202	4	9
„ „ „ „ 1893	308	14	0
„ „ „ „ 1896	329	14	6
(3) *For the widow of A. Potgieter, 40 years of age in* 1896, *an annuity of* £300	4,984	0	3
For an annuity of £25 *to her daughters, until their 19th year* :—			
One daughter, aged 15 *in* 1896	99	4	9
„ „ „ 13 „	143	3	0
„ „ „ 11 „	183	15	6
„ „ „ 8 „	237	8	9
„ „ „ 7 „	252	18	3
„ „ „ 5 „	281	19	0
„ „ „ 3 „	305	8	9
„ „ „ 1 „	318	12	0
Forward ... ... £	19,091	0	0

	£ s. d.	£ s. d.
Forward		19,091 0 0
(4) *For the relatives of two burghers killed, who were unmarried, viz., D. MacDonald and S. van Tonden*		2,000 0 0
(5) *For the wounded burghers :—*		
B. Van den Berg, aged 23 in 1896, a pension of £12 10*s. per month*		2,900 0 0
H. Cronje, 21 years of age in 1896, a pension of £10 *a month*		2,066 0 0
F. J. Van der Walt, 35 years of age in 1896, a pension of £10 *per month* ...		2,186 0 0
Total		28,243 0 0

5. ONKOSTEN VAN HER TELEGRAAF DEPARTEMENT, WEGENS MEERDEREN OVERTIJD, MEERDERE, DIENST-TELEGRAMMEN IN ZUID AFRIKAANSCHE, VERKEER, MEERDERE KABELGRAMMEN ENZ.

(5) *Expenses of the Telegraph Department of the South African Republic, on account of overtime work, service-telegrams in South Africa, and several Cablegrams, etc.*

	£ s. d.	£ s. d.
Rytuighuur, Pretoria Johannesburg	65 19 0	
Paarden, voer, stalling etc., als voren	39 11 0	
(De paarden zijn later verkocht en slechts is in rekening gebracht het verschil tusschen In-en Ver koop.)		
Kaffer loon	10 0	
		106 0 0
Lijnherstel		206 16 6
Matrassen		14 0
Reiskorten van ambtenaren (alle militaire telegrafisten naar Pretoria opgeroepen) vervangingskosten enz.		479 13 5
Tijdelijke hulp in kantoren		20 4 3
Premien aan Bestellers : voor af levering telegrammen.		
Pretoria	12 5 6	
Johannesburg	55 3 6	
		67 9 0
Overtijd van Telegrafisten.		
Pretoria	411 0 0	
Johannesburg	567 16 0	
(25 Dec., '95 ; 31 Dec., '95 ; Jan., '96 ; doorloopende dag en nachtdienst.)		978 16 0
Kosten van gewisselde Gouvernements telegrammen..		
Gewone telegrammen	1,878 5 6	
Kabel „	954 13 1	
		2,832 18 7
	Samen... ...	4,692 11 9

Deze opgaven zijn verstrekt door het Telegraaf departement.

	£ s. d.	£ s. d.
(1) *Carriage-hire, Pretoria to Johannesburg* ...	65 19 0	
(2) *Difference between price of horses bought and sold again ; stabling, etc.*	39 11 0	
(3) *Kaffir's pay*	0 10 0	
(4) *Placing telegraph line*	206 16 6	
(5) *Matresses*	0 14 0	
(6) *Travelling expenses of all military telegraphists in the Republic, who were summoned to Pretoria ; substitute's expense s, etc.*	479 13 5	
(7) *Temporary office assistance*	20 4 3	
(8) *Extra pay to telegraph-messengers :*		
At Pretoria	12 5 6	
At Johannesburg...	55 3 6	
(9) *Overtime work at both these places* ... ... (*Reckoned from 25th Dec., '95, till 31st Dec., and in Jan., 1896, continuous day and night service.*)	978 16 0	
(10) *Cost of Government telegrams*	1,878 5 6	
(11) *Cost of cablegrams*	954 13 1	
	Total	4,692 11 9

"These charges have been paid by the Telegraph Department."

6. Hospitaal onkosten wegens verpleging der gewonde en zieke manschappen van Dr. Jamison.

(6.) *Hospital expenses of the Sick and Wounded among Jameson's men.*

	£ s. d.	£ s. d.
Volks hospitaal voor verpleging van personen die bij Dr. Jamison's troep behoorden, volgens opgave. *To the People's Hospital, according to account, for the men belonging to Dr Jameson's Troop.*	225 0 0	
		225 0 0

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7. Onderhoud van familieleden van opgecommandeerde burgers tijdens het commando.

(7.) *Maintenance of the families of Burghers who were "commandeered," during the "Commando."*

1896.		£ s. d.	£ s. d.
April 2	Landdrost Standerton— Ondersteuning behoeftige Burgers en familie Burgers op commando.	99 10 0	
„ 15	Landdrost Heidelberg— Toelagen vrouwen en kinderen	77 18 8	
			177 8 8
			177 8 8
	To the Resident Magistrate at Standerton— *Maintenance of needy Burghers and the families of Burghers out on "Commando."*	99 10 0	
	To the Resident Magistrate at Heidelberg— *Support for women and children ... ...*	77 18 8	
	Total		177 8 8

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8. Te betalen Compensatie aan de Gecommandeerde Burgers voor hunne diensten en de hun aangedane moeite en zorgen.

(8). *Compensation to be paid to Burghers, who were "commandeered,"—for their services, and for the trouble and anxiety occasioned to them.*

	£ s. d.	£ s. d.
Volgens opgaven van het departement van den Commandant General zijn voor langeren of korteren tijd opgecommandeerde en onder de wapens geweert 15,404 Burgers. De bedoeling was ieder hunner als compensatie voor gedane diensten (of hen aangedane moeite en zorgen) toe te kennen de som van £30, of voor 15,404 manschappen	462,120 0 0	
		462,120 0 0
Samen ...		462,120 0 0
According to Statistics in the Dept. of the Commandant-General, there were "commandeered"—for a longer or shorter period of time—and were under arms 15,404 *Burghers.* *The intention was to grant each of them, as compensation for service done, or for the trouble and anxiety occasioned to them,—a sum of* £30 *each or, for* 15,404 *men ... ...*	462,120 0 0	

9. REKENING VAN ONKOSTEN VAN DEN ORANJE VRIJSTAAT.

(9.) *Account of the Expenses of the Orange Free State.*

	£ s. d.	£ s. d.
Overeenkomstig het politiek verbond met den Oranje Vrijstaat werd aan de Regeering van dezelve gevraagd, hulp te verleenen, ten tijde van den inval van Dr. Jamison en de zijnen.		
Aan dat verzoek werd voldaan en commando's werden opgeroepen in den Oranje Vrijstaat.		
Volgens opgave waren opgekomen 2170 manschappen en kleurlingen, daarvoor werd berekend	26,765 0 0	
Goederen wagens, enz. gecommandeerd ...	7,648 0 0	
Uitbetalingen door de Thesaurie	1,598 19 1	
		36,011 19 1
		36,011 19 1
In accordance with the political agreement with the Orange Free State, the Government of the latter was asked to render assistance at the time of the Jameson raid.		
That request was answered, and "Commandos" were called up in the Orange Free State.		
According to statistics, 2,170 men and coloured people answered the call to arms, for whom is reckoned	26,765 0 0	
Goods and waggons "commandeered"	7,648 0 0	
Disbursements by the O.F.S. Treasury... ...	1,598 19 1	
		36,011 19 1

No. 11.

COLONIAL OFFICE to the BRITISH SOUTH AFRICA COMPANY.

SIR, Downing Street, March 16, 1899.

I AM directed by Mr. Secretary Chamberlain to transmit to you a copy of a note* from the State Secretary of the South African Republic, on the subject of the claim for an indemnity on account of Dr. Jameson's raid, in which he encloses a specification of expenses caused to the Republic.

2. I am to observe that Mr. Chamberlain does not consider that the claim for moral and intellectual damage, now again advanced, or that contained in Schedule 9 (expenses of the Orange Free State), can be entertained, but he would be glad if your Directors would state their views upon the other schedules.

I am, &c.,
FRED. GRAHAM.

* Enclosure in No. 10.

No. 12.

BRITISH SOUTH AFRICA COMPANY to COLONIAL OFFICE.

(Received May 11, 1899.)

The British South Africa Company,
15, St. Swithin's Lane, London, E.C.,
May 10, 1899.

SIR,

I AM directed to acknowledge receipt of your letter of the 16th March,* transmitting copy of a Note from the State Secretary of the South African Republic, dated 9th November, 1898, on the subject of the claim for an indemnity on account of Dr. Jameson's raid, and asking the views of my Directors upon certain of the Schedules furnished with the specification of the expenses accompanying the Note.

My Directors desire to refer to the second paragraph of your letter of the 4th February, 1898,† informing them that in a despatch to the Government of the South African Republic, dated 10th April, 1897,‡ Mr. Chamberlain had stated that "Her Majesty's Government might be compelled to take exception to certain of the items under the head of material damage, especially in view of the very short period which elapsed between the crossing of the frontier by Dr. Jameson's force and its surrender." I am also to refer to the third paragraph of Mr. Chamberlain's despatch to the High Commissioner of 1st July, 1898,§ reading as follows:—"I can hardly suppose that the Government of the Republic are serious in expecting consideration of a claim for material damages for the enormous amount of over £600,000 alleged to have been spent in connection with a raid of 500 men which was finally defeated four days after they crossed the border, without furnishing details."

My Directors understand from the above expressions of Mr. Chamberlain's views that it is the intention of Her Majesty's Government to adhere to the principle that such claims only will be entertained as are strictly limited to expenses directly attributable to Dr. Jameson's incursion as distinct from the disturbances at Johannesburg. With this principle, as stated in the third paragraph of my letter of the 4th March, 1898,‖ my Directors entirely concur.

As to Schedule 1 of the claim submitted by the South African Republic, I am to point out that it is absolutely impossible, without production of vouchers to competent independent auditors as suggested in my letter of the 4th March, 1898,‖ to determine to what extent the amounts claimed are admissible in accordance with the above principle. It is, however, evident from the most cursory inspection of the accounts that they have been made up in a very loose and unbusinesslike manner, and that, so far from being limited to the costs incurred in connection with Dr. Jameson's incursion, they include the whole of the expenses arising out of the disturbances at Johannesburg in the early part of 1896, for which my Directors desire to disclaim emphatically any responsibility. They are confirmed in this view by the fact that the official estimates of the expenses of the South African Republic for the year 1896, published in August, 1896, fix the total amount to be provided for under the special heading of "Expenses in connection with the disturbances in Johannesburg" at £160,000, an amount which was more than covered by the fines inflicted upon the leaders of the Reform Movement. At the time these estimates were framed, the whole of the disturbances being over, it must have been possible to forecast with considerable accuracy the probable expenditure incurred in their suppression. It is also fair to assume that the expenses to be met in connection with Dr. Jameson's incursion were also included in the Estimates under the above heading, since no special heading relating to them appears in the Estimates.

In the absence of details and vouchers, it has been found impossible to subject the accounts to any satisfactory scrutiny. An attempt has, however, been made, so far as the meagre details afforded permit, to classify the various items of expenditure under the headings shown in the attached statement. My Directors believe that examination of certain of these headings will sufficiently illustrate the justice of the preceding observations and the extravagance of the claim made:—

---

* No. 11. † No. 3. ‡ No. 2. § No. 9. ‖ No. 4.

A. *Supplies.*—The enormous sum of £124,245 11*s.* 9*d.* is claimed under this heading, made up as follows :—

		£	*s.*	*d.*
(*a.*)	Necessaries	55,878	13	3
(*b.*)	Slaughter oxen, sheep, and meat	7,886	17	8
(*c.*)	Provisions and goods	18,105	19	7
(*d.*)	Forage, oats, &c.	2,240	12	5
(*e.*)	Clothing...	39,480	2	1
(*f.*)	Saddlery	653	6	9
	Total	£124,245	11	9

I am to point out—

(1.) That no details of the amounts included as "Necessaries," or as "Provisions" or "Goods," are given, and that it is impossible to determine the nature of any of the items grouped together under these headings.

(2.) That a burgher called out on commando is not entitled to ask for clothing, and that the number of burghers opposed to Dr. Jameson is estimated not to have exceeded 2,000. My Directors believe that in view of these facts a claim of £39,480 2*s.* 1*d.* for clothing will be admitted to be surprising.

B. *Shoeing of Horses.*—My Directors desire to point out the manifest impossibility of an amount of £2,422 19*s.* 1*d.* having been expended in shoeing the horses of the comparatively small force that opposed Dr. Jameson.

C. *Carts and Horses.*—It is claimed that an amount of £4,195 5*s.* 3*d.* was expended in the purchase of carts and horses, which, consequently, became the property of the Government. No credit is given for the value of these, or of any other assets, which remained on hand at the close of the operations. It is obvious that a deduction from the total claimed should have been made on this account.

D. *Salaries.*—I am to point out that on December 3rd, 1896, a charge of £41 is made for "Sec.'s salary for commando" in 1895; that the War Commissioner's salary for the whole year 1896 is claimed; that the services of a clerk are also charged for the same period; and that substantial amounts are entered as having been paid to various Commandants.

In view of the foregoing, my Directors believe that the claims made under Schedule 1 are largely in excess of any expenditure actually incurred by the Government of the South African Republic in connection with the Jameson incursion and the Johannesburg disturbances. They, therefore, consider that the total shown by the joint accounts should be considerably less, and that, of this total, the proportion that might fairly be claimed as arising out of the Jameson incursion should be comparatively insignificant in view of the relative unimportance of the operations against Dr. Jameson, the manifest impossibility of any extensive preparations having been made, or of heavy costs having been incurred, during the four days which elapsed between the crossing of the frontier and the surrender, and the serious expense, extending over many weeks, which certainly arose in connection with the disturbances at Johannesburg.

Similar remarks apply to Schedules 2, 5, and 7. It is impossible, without a proper audit, to apportion accurately the amounts which should be charged separately against the Jameson incursion and the Johannesburg disturbances.

My Directors do not propose to question the amounts appearing under Schedules 3 and 6.

In regard to Schedule 4, I am to point out (*a*) that under item 4 it does not appear that the relatives of the two burghers who died unmarried were in any degree dependent upon them for support, or, under item 5, that any of the wounded burghers suffered permanent disablement; and (*b*) that the whole of the scale of pensions and gratuities to be awarded appears to be excessive, especially in view of the standard of living expenses ordinarily maintained amongst the burghers in the Transvaal. The widows' pensions claimed are actually 50 per cent. higher than the maximum which could be awarded under the Royal Warrant to the widow of a Colonel in the Imperial Service killed on active service. My Directors have thought it necessary to make these observations as to the amounts claimed under this heading, but they are fully prepared to meet liberally this claim for compensation.

The claims made under Schedule 8, my Directors regard as wholly unjustifiable. They would point out that the strength of Dr. Jameson's force, whilst at Pitsani, was well known to the authorities at Pretoria. In view of this fact, and of the very short period which elapsed between the crossing of the border and the surrender, they find it impossible to credit the assertion that a force of 15,000 Boers actually took the field for the sole purpose of repelling the 500 men who accompanied Dr. Jameson. It is possible that, shortly after the incursion, the numbers in the field were as stated, but if so, this was due to the disturbances at Johannesburg, in connection with which it is well known that large forces were called out and maintained in the field for a considerable period.

In any event, my Directors would point out that a claim of this nature is entirely without precedent in South Africa, where the Burgher Law is universal, under which burghers are liable to be called out for the defence of the State at any time, without becoming entitled to any remuneration during the period of their service in the field. Were claims to be made on the Government, they could be resisted successfully. It is, moreover, not stated that any payments have actually been made on this account.

My Directors are sincerely desirous that a friendly settlement should be arrived at in the hope that a better understanding with the Government of the South African Republic may be thus promoted. They had hoped that on receipt of detailed statements from the Government of the South African Republic, it would have been possible to make an offer which would have fully met all the claims which could justly be made against the Company. They exceedingly regret that it has not been possible to discover from the accounts submitted even the approximate amount of the expenses incurred in connection with the Jameson incursion; and, under these circumstances, they feel that the only course now open to them is to repeat the suggestion contained in my letter of 4th March,* 1898, that the whole matter should be referred to arbitration.

I am, accordingly, to ask that proposals to this effect may be made to the Government of the South African Republic, on the understanding that the terms of the reference shall be limited to an adjudication upon the material damages claimed, and an audit of the expenses incurred which can be properly attributed to Dr. Jameson's incursion, as distinct from the disturbances in Johannesburg.

I have, &c.,
J. F. JONES,
Secretary.

Enclosure in No. 12.

STATEMENT.

Analysis of Schedule No. 1.

		£	s.	d.	£	s.	d.
A.	Supplies—						
	(*a.*) Necessaries	55,878	13	3			
	(*b.*) Slaughter oxen, sheep, and meat	7,886	17	8			
	(*c.*) Provisions, goods, medicine, &c.	18,105	19	7			
	(*d.*) Forage, oats, &c.	2,240	12	5			
	(*e.*) Clothing	39,480	2	1			
	(*f.*) Saddlery	653	6	9			
					124,245	11	9
B.	Shoeing of horses				2,422	19	1
C.	Carts and horses				4,195	5	3
D.	Salaries and payments for services				2,247	4	3
E.	Cartage and hire of animals				2,458	9	10
F.	Miscellaneous				1,195	18	11
					£136,765	9	1

NOTE—Owing to certain trifling inaccuracies in the accounts submitted by the Government of the South African Republic, there is a discrepancy between the above amount of £136,765 9*s.* 1*d.*, and the total of

* No. 4.

£136,733 4*s.* 3*d.* shown by the Transvaal accounts, which might puzzle an Accountant. The difference is accounted for as follows :—

			£		
Total shown in Schedule No. 1 by the Government of the South African Republic			136,733	4	3
(1.) The addition of page 21—					
Should be	£74,579	11 11			
Instead of	74,550	1 11			
Add difference ...			29	10	0
(2.) The addition of page 32—					
Should be	£41,102	1 1			
Instead of	41,099	1 1			
Add difference ...			3	0	0
(3.) The addition of page 49—					
Should be	£1,241	1 1			
Instead of	1,241	0 10			
Add difference ...			0	0	3
			£136,765	14	6
(4.) The addition of page 38—					
Should be	£4,105	19 0			
Instead of	4,105	19 5			
Deduct difference			0	0	5
			£136,765	14	1
(5.) The addition of page 53—					
Should be	£362	19 3			
Instead of	363	4 3			
Deduct difference			0	5	0
			£136,765	9	1

No. 13.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

Sir, Downing Street, May 13, 1899.

I have the honour to acknowledge the receipt of Major-General Cox's despatch of the 23rd of November last,* in which was enclosed a note from the State Secretary of the South African Republic, supplying a specification of the claim for an indemnity on account of material damage arising out of Dr. Jameson's raid.

I caused the claim to be transmitted to the Directors of the British South Africa Company, intimating that I did not consider that the claim for moral and intellectual damage, which has been again advanced on behalf of the South African Republic, or that contained in Schedule 9 (expenses of the Orange Free State) can be entertained, but that I should be glad if the Directors would state their views upon the other Schedules.

I have now received the answer† from the British South Africa Company of which I enclose a copy, and I request that you will communicate it to the Government of the South African Republic, with an expression of my opinion that, in the circumstances, the proposal of the Company is fair and reasonable, and that you will state that Her Majesty's Government would be glad to learn that the Government of the South African Republic are willing to agree that the claim for material damage should be submitted to arbitration, as proposed by the Company in the last paragraph of their letter.

I have, &c.,
J. CHAMBERLAIN.

* No. 10. † No. 12.

SOUTH AFRICAN REPUBLIC.

PAPERS

RELATING TO THE

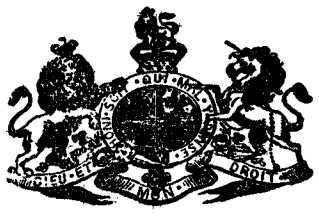
COMPLAINTS OF BRITISH SUBJECTS

IN THE

SOUTH AFRICAN REPUBLIC.

Presented to both Houses of Parliament by Command of Her Majesty.
June, 1899.

Cx 8.48



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1899.

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Serial No.	From or to whom.	Date.	Subject.	Page.
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50	High Commissioner Sir Alfred Milner.	February 22 (Rec. Mar. 13.)	Transmits further despatch from the Acting British Agent, enclosing a note to the Government asking what steps they propose to take.	140
51	Ditto	March 14 (Rec. Apr. 1.)	Forwards a despatch from Mr. Greene, enclosing the reply of the Government, declining to take action, and referring complainants to the courts of law.	142
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57	High Commissioner Sir Alfred Milner.	May 10 (Rec. May 10) Telegram.	States that at a public meeting of clergy of various denominations held at Johannesburg on May 9, a strong resolution was passed respecting frequency of outrages caused by the violation of the liquor laws, and the facilities for illicit liquor traffic.	176
58	To High Commissioner Sir Alfred Milner.	May 15 Telegram.	Calls for a full report	177
59	To Wesleyan Missionary Society.	May 15	Transmits copy of No 55, and states that a full report has been called for.	177
			Meeting at the Amphitheatre on January 14.	
60	To High Commissioner Sir Alfred Milner.	May 17 Telegram.	States that British Agent should communicate affidavits to the Government of the Republic without remark; also instructs him as to the reply to be made to Mr. Wybergh.	177
			Murder of Mrs. Appelbe.	
61	High Commissioner Sir Alfred Milner.	May 18 (Rec. May 18.) Telegram.	Notifies offer of reward by Government and the increase of Police Force, but with no result or clue; State Secretary considers crime is unconnected with liquor people.	177
62	Ditto	May 10 (Rec. May 27.)	Transmits copies of telegrams and a despatch from Her Majesty's Agent, Pretoria, giving an account of the crime; also an extract from an address by the President of the Chamber of Mines giving information concerning the illicit traffic.	178
63	Ditto	May 16 (Rec. June 2.)	Encloses copy of a telegram and despatch from Mr. Greene, reporting that a meeting of commercial bodies has passed a resolution deploring the maladministration of the liquor law; and that the Government has offered a reward of £500 for information as to the murder of Mrs. Appelbe.	180

Section VI.: The Political Situation.

		1899. —		
			Press agitation in favour of the South African Republic.	
64	Ditto	March 1 (Rec. Mar. 20.)	Transmits extract from the "Cape Times" referring to the suggested combined movement among the Dutch of South Africa.	182

Serial No.	From or to whom.	Date.	Subject.	Page.
		1899. —		
			Negotiations between the Government and the Mining Industry.	
65	High Commissioner Sir Alfred Milner.	March 22 (Rec. April 8.)	Calls attention to certain features of the communications now going on.	183
			Outlanders' Grievances.—Petition to Her Majesty the Queen.	
66	Ditto	March 28 (Rec. Apr. 14).	Transmits copy of despatch from Her Majesty's Agent, Pretoria, forwarding a petition from the residents on the Witwatersrand asking for an enquiry into their grievances and complaints, and that measures should be taken to secure reform of the abuses complained of.	184
			President's Speech at Heidelberg.	
67	Ditto	March 28 (Rec. Apr. 14.)	Transmits copy of a despatch from the British Agent enclosing Press report.	193
			President's Speech at Rustenburg.	
68	Ditto	April 5 (Rec. Apr. 21).	Copy of despatch from Mr. Greene forwarding a full report.	197
			Reform Movement.	
69	Ditto	April 22 (Rec. Apr. 22). Telegram.	Reports terms of resolution passed at a meeting of workmen at Village Main mine, on April 20th.	203
70	Ditto	April 24 (Rec. Apr. 24.) Telegram.	Reports passing of a resolution similar to that referred to in No. 69 at meeting of working men at Wolhuter, Goch, Spes Bona, and Jubilee mines on April 21.	203
71	Ditto	April 27 (Rec. Apr. 27.) Telegram.	Reports passing of resolutions at a working men's meeting at Boksburg, on April 24, identical with those of previous similar meetings, together with one supporting the recent petition to Her Majesty.	203
72	South African League Congress.	(Rec. Apr. 27.) Telegram.	Congress refrains from discussing the position of fellow subjects in the Transvaal Republic, because strong language seems inexpedient at this juncture, and no other kind of language could be true or adequate.	203
73	High Commissioner Sir Alfred Milner.	April 28 (Rec. Apr. 28.) Telegram.	Reports passing at working men's meetings at Glen Rosedeep and Newheriot mines of resolutions identical with those passed at previous similar meetings.	204
74	Ditto	May 1 (Rec. May 1.) Telegram.	Reports passing of resolutions by Weitling, Jumpers and Nourse Deep Mines, similar to those referred to in No. 69.	204
			President's Speech at Johannesburg.	
75	Ditto	April 11 (Rec. May 1).	Encloses a Report.	204

Serial No.	From or to whom.	Date.	Subject.	Page.
		1899.		
			Outlanders' Grievances.	
76	High Commissioner Sir Alfred Milner.	April 11 (Rec. May 1.) Extract.	Transmits, with observations, copy of a despatch from Her Majesty's Agent reporting an interview he had during his recent visit to Johannesburg with a deputation of working men.	207
77	Ditto	May 3 (Rec. May 3.) Telegram.	Reports passing of resolutions by meetings at Roodepoort district and Jumpers Deep.	209
78	Ditto	May 4 (Rec. May 5.) Telegram.	Submits his views on the present situation, and urges intervention by Her Majesty's Government.	209
			Counter Petition of Outlanders.	
79	Consul-General for the South African Republic.	May 5	Transmits copy of Petition addressed to the Government of the South African Republic by about 9,000 Uitlanders who are satisfied with the present administration of the State.	212
80	High Commissioner Sir Alfred Milner.	May 6 (Rec. May 6.) Telegram.	States that the British Agent notifies receipt from the Republic Government of a copy of a Petition addressed to the President and Executive Council by 9,000 foreign subjects, the substance of which has been telegraphed to the Transvaal Consul-General in London. The Petition to the Queen has been reopened for signature, and several thousand signatures have come in.	213
			Negotiations between the Government and the Mining Industry.	
81	Ditto	April 18 (Rec. May 8.)	Encloses copy of despatch and telegram from Mr. Greene, and of the reply of the Industry to the proposals of the Government.	213
			Outlanders' Petition.	
82	Ditto	April 19 (Rec. May 8.)	Transmits copy of a letter from Mr. Wybergh explaining the manner in which the canvass for signatures was conducted and controlled.	224
83	To High Commissioner Sir Alfred Milner.	May 10	Replies to the Petition enclosed in No. 66.	226
			Counter Petition of Outlanders.	
84	To the Consul-General for the South African Republic	May 11	Acknowledges receipt of No. 79.	232
			Negotiations between the Government and the Mining Industry.	
85	High Commissioner Sir Alfred Milner.	April 26 (Rec. May 13.)	Encloses further correspondence and papers.	232
86	Ditto	May 3 (Rec. May 22.)	Encloses a further despatch.	235

Serial No.	From or to whom.	Date.	Subject.	Page.
		1899.		
			Negotiations between the Government and the Mining Industry:	
87	High Commissioner Sir Alfred Milner.	May 10 (Rec. May 27.)	Encloses copy of a despatch and telegram from the British Agent.	236
			Counter Petition of Outlanders.	
88	Vice-Consul for the South African Republic.	May 30	States that the Petition has now received 23,000 signatures.	238
89	To the Vice-Consul for the South African Republic.	June 3	Acknowledges receipt of No. 88.	238
	SECTION VII.—Proposals for a Conference at Bloemfontein.			
90	High Commissioner Sir Alfred Milner.	May 10 (Rec. May 11.) Telegram.	Reports that Mr. Schreiner, the Cape Prime Minister, and Mr. Hofmeyr have suggested that he (Sir Alfred Milner) should accept an invitation from the President of the Orange Free State to meet President Kruger at Bloemfontein, and that he has authorized a telegram to the President of the Orange Free State agreeing in principle to the meeting but desiring a preliminary understanding.	239
91	To High Commissioner Sir Alfred Milner.	May 12 Telegram.	Authorizes him to meet the President at Bloemfontein if invited to do so.	240
92	High Commissioner Sir Alfred Milner.	May 15 (Rec. May 15.) Telegram.	Reports that he has replied to the President of the Orange Free State through Mr. Schreiner as in No. 91.	240
93	Ditto	May 16 (Rec. May 17.) Telegram.	Forwards a telegram from the President of the Orange Free State, intimating that President Kruger is willing to come to Bloemfontein, and inviting the High Commissioner to meet him there ; asks if he shall accept the invitation.	240
94	To High Commissioner Sir Alfred Milner.	May 17 Telegram.	Authorizes him to accept the invitation.	241
95	High Commissioner Sir Alfred Milner.	May 18 (Rec. May 18.) Telegram.	Reports that he has accepted the invitation.	241
96	Ditto	May 18 (Rec. May 18.) Telegram.	Suggests terms of an *ad interim* reply to the Petition from British subjects.	241
97	High Commissioner Sir Alfred Milner.	May 19 (Rec. May 19.) Telegram.	Reports that he leaves Cape Town on 29th May, the first meeting being fixed for 31st May.	242
98	Ditto	May 22 (Rec. May 22.) Telegram.	Asks for some general indication of the line he should take in the negotiations.	242

Serial No.	From or to whom.	Date.	Subject.	Page.
		1899.		
99	To High Commissioner Sir Alfred Milner.	May 23 Telegram.	States that the reply to the Petition will reach him about 30th May, but should be held back; agrees to the *ad interim* reply proposed in No. 96.	242
100	Ditto	May 24 Telegram.	Observes that the Secretary of State does not intend to give him formal instructions, but indicates points which should be discussed.	243

SOUTH AFRICAN REPUBLIC.

PAPERS

RELATING TO THE

COMPLAINTS OF BRITISH SUBJECTS

IN THE

SOUTH AFRICAN REPUBLIC.

SECTION I.—ECONOMIC GRIEVANCES.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 27, 1897.)

Government House, Cape Town,
August 11, 1897.

SIR,

WITH reference to previous correspondence, I have the honour to enclose, for your information, a copy of the report of the Government Industrial Commission in the South African Republic.

I propose to defer my remarks on the report until I have obtained some information as to the intentions of the Government, and the opinion of the leading members of the mining industry in regard to its recommendations.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 1.

Saturday, August 7, 1897.

The following verbatim report of the Commission appointed by the Government in April last to investigate the economic conditions surrounding the mining industry, was placed in the hands of the members of the First Volksraad yesterday forenoon. It will come up for discussion on Monday next. Meanwhile we lay before our readers the full text of the document, which has been kindly translated by Mr. H. Bosch, Secretary to the Commission:—

Introduction.

To His Honour the STATE PRESIDENT and HON. MEMBERS OF THE EXECUTIVE COUNCIL, Pretoria.

In submitting the joint report of the Commission, the undersigned wish to draw your attention to the following:—As advisory members, the Government appointed

Messrs. E. Brochon, A. Brakhan, and J. M. Pierce, but your Commission deemed it desirable, with the consent of the Government, to add Messrs. James Hay and George Albu to the above list of members.

All these gentlemen kindly consented to assist us in our onerous duties, and unreservedly placed their services at our command.

Your Commission would be wanting in common courtesy were they to neglect this opportunity of expressing their high appreciation of the services rendered by the Advisory Committee.

As men of ability and experience, their advice on matters local and technical materially assisted your Commission to grasp the situation, and it is with great satisfaction we commend the zeal and interest displayed by them throughout the proceedings.

We have, &c.,
S. W. Burger, Chairman.
C. J. Joubert,)
J. S. Smit, |
Thos. Hugo, } Members.
J. F. De Beer, |
Schmitz-Dumont,)

To His Honour the State President and Hon. Members of the Executive Council, Pretoria.

Honourable Sirs,

In accordance with your instructions contained in your letters addressed to the members of this Commission, dated 5th April, 1897, your Commission have the honour to report as follows:—

On the 9th of April last, your Commission commenced proceedings at Pretoria, and after having been engaged there for a few days in arranging preliminary matters in connection with the Inquiry, your Commission decided to go to Johannesburg to pursue their investigations.

On the 20th day of April the Inquiry commenced at Johannesburg, and your Commission deemed it in the interest of all concerned to have the proceedings in public, and to give the same the widest publicity.

In the first place, your Commission set themselves the task to institute minute and careful investigation with regard to the depression in matters connected with the mining industry, and ascertained that during the year 1896 there were 183 gold mines within the State, whereof 79 produced gold to an amount and value of £8,603,821. The remaining 104 mines yielded no gold, most of these being in a state of development and equipment, whilst only 25 companies declared dividends to a total amount of £1,718,781.

For various reasons some mines have temporarily ceased operations. The cause of so many mines not paying dividends is primarily to be ascribed to the high cost of production.

There are various other causes that have contributed to the existing condition of things, but where mistakes have been made in the past, your Commission is pleased to state that at present there exist all the indications of a pure administration, and the State as well as the mining industry must be congratulated upon the fact that most of the mines are controlled and engineered by financial and practical men, who are devoting their time, energy, skill, and knowledge to the interest of the mining industry, and who have not only introduced the latest machinery and mining appliances, but also the greatest perfection of method and process known to science.

But for these, a good many of the mines now producing gold would not have reached that stage. The extensive and voluminous evidence, as also the carefully prepared statistics in connection therewith, annexed to this report, prove the vast extent of the mining industry within this State. The figures, plans, calculations, specifications, &c., are very interesting and exhaustive, and calculated to provide the studious reader with much material for contemplation, and it will further appear from the same that financial, economical, and political relations are very complicated. Your Commission, therefore, feel the weight and responsibility of the task imposed upon them; but, strengthened by a sense of confidence that their efforts to arrive at a satisfactory solution

of the different problems will meet with your approval and support, they have undertaken the duty agreeably to your request, by carefully entering into all the details of the position and investigating the same.

The question cannot be solved by probing the past of some mines. We know that there are some mines where the gold reefs only exist in the imagination of the promoters, and it can safely be accepted that these mines will not pay, even were coal and dynamite delivered free of charge at the mines; neither does the question of over-speculation or over-capitalisation affect the case.

As has already been pointed out, there are only 25 companies who declared a dividend out of their profits, while the rest work with a very small profit, and in many cases do not cover the costs of production.

The question to be solved is, what must be done to reduce the costs of production so as to leave a margin of profit upon the article produced, and this is a problem apart from any complications as between Government and nationalities.

A company might be over-capitalised, but the costs of mining their property is in no ways affected thereby.

It is within the knowledge of your Commission that the costs of working a mine may be averaged at £10,000 per month, and equipment and development from £200,000 to £500,000 per mine. Take this average of £10,000 per month, and that under existing conditions 100 mines will have to close down. In that case an annual amount of £12,000,000 will be taken out of circulation, with a result too disastrous to contemplate. To avoid such a calamity, your Commission are of opinion that it is the duty of the Government to co-operate with the mining industry, and to devise means with a view to make it possible for lower grade mines to work at a profit, and generally to lighten the burdens of the mining industry. This, and the development and equipment of new mines, are a few examples among many others where it is desirable that the Government shall take an active part, the more so when the fact is taken into consideration that up till now the mining industry must be held as the financial basis, support, and mainstay of the State.

The question, therefore, becomes one of national economy, and it is incumbent upon the Government, considering the rapid growth and progress of the country, so to alter its fiscal law system and administration as to meet the requirements of its principal industry. A close scrutiny of the combined report of the Chamber of Mines and Mercantile Association proves that the commercial interests and that of the mining industry are so interlaced that it is hardly possible to separate the one from the other, and all economical measures with regard to taxation, freight, &c., must apply to both.

Your Commission think that, with the natural facilities for agriculture, this industry ought to be greatly encouraged. As a natural result, the development of this industry will materially reduce the cost of living, which will have an immediate and beneficial effect on the price of labour. It is a fact much to be regretted that the advance of agriculture is not proportionate with that of the mining industry, and the general growth and progress of the country, and it is, therefore, of the greatest importance to establish an agricultural department, and for the Government to take active measures to promote the interests of the industry by assisting, where such is feasible, to have same conducted on the most improved and modern principles, as practised in other parts of the world. In submitting to the Government a scheme for reducing the burdens of the mining industry, it is naturally to be expected that the latter will also practise economy in every department. Judging from recent events, and by the persistent manner in which the mines have reduced, and are further trying to reduce, the expenses, it leaves no doubt with your Commission that the mines, after so far having taken the initiative, will act responsively to any economical measure the Government may think proper to introduce. Your Commission entirely disapprove of the concessions through which the industrial prosperity of the country is hampered.

Such might have been expedient in the past, but the country has arrived at a stage of development that will only admit of free competition according to Republican principles. This applies more especially to the gold industry, that has to face its own economical problems, without being further burdened with concessions that are irksome and injurious to the industry, and will always remain a source of irritation and dissatisfaction.

From the commencement of the inquiry it was clear to your Commission that the question of labour was a most vital one for the mines, and seeing that the cost of labour

amounted to from 50 to 60 per cent. of the production costs, your Commission are of opinion that the labour question deserves the first place in their report.

Not only in this Republic, but in most countries all over the world, the labour question is a most difficult one to deal with. It still remains a subject for discussion, notwithstanding that the most renowned and eminent politicians and statesmen have tried to solve the question.

A combination of circumstances in this country renders the solution still more difficult, and from the evidence laid before you, it will be apparent how complicated the question is.

To begin with—

White Labour.

Your Commission would strongly recommend that all measures should be taken by which the cost of living at the mines should be reduced as much as possible.

Judging superficially, and taking into consideration the wages paid by the companies in other parts of the world, and the evidence on the subject submitted to your Commission, it would appear as if wages paid here are too high, but, taking all the circumstances into consideration, the contrary is apparent.

It must be taken as a fact that no *skilled* labourer can or will work for a salary or wage less than will enable him to support himself and his family.

According to evidence, a miner earns from 18*l.* to 30*l.* per month, according to ability, and your Commission are of opinion these wages are not excessive, regard being given to the high cost of living at the mines; in fact, they are only sufficient to satisfy daily wants, and consequently it cannot be expected that white labourers will establish their permanent abode in this Republic unless conditions are made by which their position will be ameliorated.

Your Commission wish to recommend that henceforth all companies will keep their accounts in such a manner that it will clearly appear what proportion of wages, salaries, and remuneration are paid to white labourers, and what to directors, secretaries, clerks, engineers, &c., because at present all these are brought into one account, and it would consequently appear as if the average wages paid to miners is higher than in reality is the case.

Your Commission further wish to recommend that the companies should build dwelling-houses for white labourers, which is already done by some of the companies, and should let those at a rental equivalent to a reasonable interest on capital expended; this would mean a considerable improvement in the condition of living of these miners. Your Commission further recommend modification in the law between master and servant, as existing at present, by which all contracts entered into in Europe between employers and employees would be legalised here by simple registration, and should not, as hitherto, require a confirmation of the contract by parties, before a landdrost or mining commissioner, before becoming of effect here. It will be necessary to provide that such a contract must be reasonable as regards the labourer. Further, this law ought to define the responsibility of the master to a servant in case of accident, and, further, that neither master nor servant can make a contract contrary to any provision of such law.

Your Commission are of opinion that as long as the cost of living cannot be considerably reduced, it will be almost impossible to reduce the wages of white labourers, and they would strongly recommend that, as far as possible, necessaries of life should be imported free of import duty, and conveyed to the mines as cheaply as possible. Your Commission, further, are of opinion that it will be desirable to encourage as much as possible other industries, besides the mining industry, which will also tend to procure employment for white labourers.

Kaffir Labour.

This is one of the most difficult questions before your Commission.
It will be necessary to discuss three points, viz.:—

From where must the industry draw its supply?
What supply can be obtained?
And at what wages?

In reply to the first point, it appears to your Commission that the chief supply must come from the east coast (Portuguese territory), and it is desirable to recommend to the

Government to enter into correspondence with the Portuguese authorities in order to facilitate the supply as much as possible.

Further, a great many natives can be got within the boundaries of the Republic, if sufficient inducement be offered, and your Commission proposes that the inducement will best be offered by paying premiums to Kaffir Chiefs for the supply of labourers, and by reduction of the fare for Kaffirs per railway to one-third of that now charged, the difference to be recovered from them on the return journey.

The fact should not be lost sight of that the present requirement on the Witwatersrand mines is 70,000 black labourers, while within the next three years this number will be very considerably increased to at least 100,000 on account of the development of the deep level mines.

While mentioning the subject of correspondence with the Portuguese Government, your Commission are of opinion that correspondence with all the South African States would be desirable, in order once and for all to place the question of black labour on a sound basis.

Should the Government be successful in coming to an understanding with the different Colonies and States on this point, the question of reduction of wages will be a natural consequence.

As regards the supply of natives from within the boundaries of this Republic, the Commission recommend that the Native Commissioners should receive extra payment in cases where they are obliged to undertake journeys to interview Kaffir Chiefs to obtain labourers from them, and that such Kaffirs be conducted to the mines under supervision, and that it would be desirable to erect along the roads, at distances of 18 miles apart, except where there is a railway, compounds where the Kaffirs can sleep and obtain food. Your Commission recommend that the latter measure should be entirely under Government control. Your Commission cannot recommend any measure which would be equivalent to forced labour, neither can they recommend the imposition of a higher tax upon the Kaffirs.

Much has been said about the desirability of establishing locations for Kaffirs close to the Rand, but your Commission cannot at all recommend this course. Experience has taught that the establishment of locations does not improve the Kaffirs in any way, but only tends to their deterioration.

As soon as a Kaffir with his family lives in a location, his highest aim in life is to see his wife and children work and himself look on.

Liquor Law.

Your Commission have thought it desirable to consider the liquor traffic also in their report, because they are of opinion that it directly affects the mining industry.

It must be remembered that the liquor traffic, together with the import duties and licenses in connexion with the same, contribute to the revenue of the State.

It has been proved to your Commission that the Liquor Law, No. 17, 1896, is not carried out properly, and that the mining industry has real grievances in connexion therewith, owing to the illicit sale of strong drink to the natives at the mines; and they wish specially and strongly to insist that the stipulations of Art. 16 of the Law shall be strictly carried out. The evidence given on this point proves a miserable state of affairs, and a much stronger application of the law is required.

Your Commission recommend: —

(*a.*) That all licenses for boarding-houses for white people at the mines shall in future be only issued by the Commission for liquor licenses (licensing board).

(*b.*) More police and better system of supervision at the mines.

(*c.*) That where any unlicensed person is convicted for selling strong drink to natives at the mines or elsewhere, the only punishment to be inflicted shall be imprisonment. Your Commission are in favour of the strict carrying out of this law, but have found that it is in some respects too drastic.

For instance, Art. 17 of the law stipulates that four licenses will be granted for a population of 500 persons, and for every additional 400 only one more license (under this article is meant 500 male persons over 16 years of age).

There would be no objection against such a stipulation, as such is more or less the system in other civilised countries, but such a stipulation ought to have been initiated when the towns and villages close to the mines were originally established. It appears

from statistics submitted that at present there are in Johannesburg the following licensed liquor dealers:—

(*a.*)	Wholesale licenses	49
(*b.*)	Bottle stores	56
(*c.*)	Canteens (bars)	305
(*d.*)	Roadside inns	5
(*e.*)	Beer halls	23
	Total	438

Letter (*c.*) includes 112 hotel licenses.

Supposing that Art. 17 were to be strictly applied, and assuming that Johannesburg and neighbouring mines have a male population over 16 years of age of 35,500, the licensing board can only issue 88 licenses, and 350 licenses will have to be refused.

From a financial point of view this would entail very serious consequences for the State, because the liquor licenses and the large amount paid for import duties on liquor which form a large portion of the revenue of the State, might then be considerably diminished. But leaving this out of the question, and assuming that the Government will put up with this loss, trade would be seriously affected by the closing of 350 places of business, and large numbers of people who are interested in the trade and who have invested their entire capital in the liquor business, under the law then existing, would be entirely ruined.

It is certainly desirable that the number of licenses shall be reduced, but this should not be done in such a peremptory manner.

Gradually, and as opportunity offers, these reductions can be effected.

Art. 17 of said law stipulates that licenses will be granted according to the population of any ward. Suburbs, such as Doornfontein, Hillbrow, Hospital, &c., are only used for residential purposes, and up to the present the inhabitants have been able to successfully combat against canteens, by protesting and other means.

The inhabitants of these suburbs generally have to carry on their business in the city and remain there during the day—hence the many bars in Commissioner Street, which street must be considered as the centre of the town from a business as well as from a geographical point of view.

It must also be remembered that when the bars at the mines are closed numbers of people living there will make use of the bars in town. Notwithstanding Second Volksraad Resolution, Art. 122, dated 14th May, 1897, and First Volksraad Resolution, Art. 122, dated 17th May, 1897, your Commission are of opinion that wholesale licenses for the sale of liquor, as well as licenses for bottle stores, can be considered as usual trade licenses, although under the control of the Licensing Board. As a rule, whenever a licensed liquor dealer is convicted for breaking the law he transfers his license to somebody else, who continues the illicit sale of the liquor.

It is consequently desirable that in future a licence for the sale of liquor shall be granted to a particular house, and not to any individual.

Permits for the keeping open of bars after 9 p.m. ought to be issued only by the licensing board, because this is one of the duties of that body and does not fall under the jurisdiction of any judicial official.

No licence ought to be granted for Kaffir eating-houses at the mines, because the necessity for them does not exist, and they only afford the opportunity to certain persons to continue the iniquitous sale of liquor to Natives at the mines.

Your Commission disapproves of the payment of a portion of the fines to the informer, policeman, or detective, because this not only puts a premium on crime, but the informer, influenced by greed, puts the accused in a position which, without trapping, he would not have occupied.

It is not the intention of your Commission to deal with the Liquor Law in its entirety, and they have consequently only referred to certain points which, in their opinion, require modification in the interest of trade and the mining industry. Your Commission can further recommend that all excise officials shall be under the control of the licensing boards of the different districts, and the licensing boards have special detectives and inspectors under their control.

Transit Duty.

These duties are unfair, and ought to be abolished. Yearly an amount of £600,000 is paid by this Republic to the neighbouring States (Orange Free State excepted).

It may be adduced from the other side that heavy expenses have been made to construct docks and warehouses, but against this can be said that the consignors and consignees are charged heavy dock fees which, if carefully calculated, amply repay the expenses.

The authority of the Commission for the figures quoted is Mr. Wiener, member of the Cape Parliament and Chairman of the United Chambers of Commerce of South Africa, and your Commission are of opinion that statistics from such a source can be taken to be reliable.

The Commission recommend that negotiations shall be entered into with the interested colonies to have those transit duties abolished, but before doing so wish to recommend that the Government of this Republic shall abolish the transit duties on goods to the north, as at present levied.

Import Duties.

With reference to this matter, your Commission can only recommend that, if possible, foodstuffs ought to be entirely free from taxation, as at the present moment it is impossible to supply the population of the Republic from the products of local agriculture, and consequently importation is absolutely necessary.

Explosives.

Before entering on this subject, we wish to put on record our disappointment with the evidence tendered on behalf of the South African Explosives Company, Limited.

We expected, and we think not unreasonably, that they would be able to give reliable information for our guidance respecting the cost of importation, as well as of local manufacture of the principal explosives used for mining purposes, but though persistently questioned on these points, few facts were elicited, and, we regret to say, they entirely failed to satisfy us in this important respect.

The importation of a cheap supply of all necessaries required for mining purposes, in order to secure success, is perhaps too obvious to need repeating; but we may mention that the one item most frequently referred to by witnesses in this connection was the cost of the explosives.

It has, we consider, been clearly proved that the price paid by the mines for explosives of all kinds is unreasonably high, having due regard to original cost and expenses of delivery in the South African Republic, and in our opinion a considerable reduction should be brought about.

In making recommendations with this object in view, it must be stated at the outset that the main difficulty in dealing with the question arises from the existence of the contract, by means of which the monopolists are able to maintain the present high price, in spite of the fact that the manufactured article is mostly obtained by them in Europe at a very much lower cost. Consequently the advantages which the Government intended to confer to the country by establishing a new industry here have not been realised, whilst the monopoly has proved a serious burden on the mining industry. That the principal explosives used here (blasting gelatine, and, to a small extent, dynamite) can be purchased in Europe and delivered here at a price far below the present cost to the mines has been proved to us by the evidence of many witnesses competent to speak on the subject; and when we bear in mind that the excess charge of 40s. to 45s. per case sold does not benefit the State, but serves to enrich individuals for the most part resident in Europe, the injustice of such a tax on the staple industry becomes more apparent, and demands immediate removal.

It is in evidence that the South African Republic is one of the largest, if not the largest, consumers of explosives in the world, and following the rule of commerce in such cases it is reasonable to suppose that the most advantageous terms would be secured for so large a consumer, which no doubt would be the case were it not for the monopoly now in the hands of the South African Explosives Company, whereby they and their friends make enormous profits at the expense of the mining industry.

These profits have been estimated by the Volksraad Dynamite Commission at no less than £580,000 for the years 1897 and 1898, being £2 per case on 290,000 cases, the

number which it is estimated will have to be imported to meet the demands for those years. It is thus clear that the hope of establishing a factory capable of supplying the requirements of the mines within a reasonable time from the products of the country is far from being realised. From the evidence of witnesses other than the managing director of the Explosives Company, we are led to believe that dynamite No. 1, containing 75 per cent. of nitro-glycerine, can be delivered free on board at Hamburg at 23s. 6d. per case of 50 lbs., the cost of bringing it to Johannesburg being about 14s. additional. The managing director of the Company, however, has since stated that Nobel's invoice it to them at 29s. 6d. free on board in Hamburg, but the difference is not essential to the point we have to deal with here.

This explosive, whether costing 23s. 6d. or 29s. 6d. in Hamburg, is supplied to the mines at 85s. per case, showing a profit of 47s. 6d. in one case and 41s. 6d. in the other, of which the Government receives 5s. per case.

That this is a reasonable estimate is supported by the report of the Volksraad Dynamite Commission, who state that the Company makes a profit of £2 per case on imported dynamite, and further by the evidence of a former agent of Nobel's Dynamite Trust, whose statement was to the effect that he made an offer on behalf of Nobel to deliver dynamite *ex* magazine on the Rand at 40s. per case of 50 lbs., excluding duty, and this at a time when it had to be brought a considerable distance by ox-waggon.

In the case of blasting gelatine, which is now more largely used than No. 1 dynamite, the margin of profit made by the Company at the expense of the mines is even greater.

The evidence led on behalf of the Company is that the cost 43s. 6d. per case free on board in Hamburg, the freight, &c., to Johannesburg being about 14s. per case. Therefore, by the Company's own showing, the difference in price in Europe between blasting gelatine and dynamite No. 1 is 14s. per case (43s. 6d. and 29s. 6d.), whilst the charges for bringing the articles into the South African Republic are the same. Seeing that the Company charges the mines for blasting gelatine 22s. 6d. over and above the price of dynamite No. 1 (namely, 107s. 6d. as against 85s.), it is evident that the profit falling to the Company is still larger. Other evidences laid before your Commission gives the difference in cost of blasting gelatine and No. 1 dynamite at only 7s. to 10s. per case.

The mining industry has thus to bear a burden which does not enrich the State or bring any benefit in return, and this fact must always prove a source of irritation and annoyance to those who, while willing to contribute to just taxation for the general good, cannot acquiesce in an impost of the nature complained of.

The importance of this question to the mining industry may be gathered from the fact that explosives have been shown to average 9 per cent. of the total working cost, but for the development work the percentage is a higher one.

On the 4th June, 1897, your Commission inspected the factory at Modderfontein, and it cannot be denied that the construction of the works and general equipment are in many respects admirable; and it appeared to us greatly to be regretted that so much money should have been invested in an undertaking for the manufacture of any article whereof the ingredients have to be imported at a great cost, four tons of raw materials being required to produce one ton of the manufactured article. It has been proved to our satisfaction that none of the raw material used is found in this country, or only in such small quantities as to make it practically valueless for the purpose required; and the coal consumed, although obtained here, is 40 to 50 per cent. dearer than that delivered at factories in Europe.

Labour, also, of the kind required, is three or four times more expensive than, for instance, labour in Germany, while the excessive cost of transport tends greatly to enhance the price of such materials.

We are informed that experiments have been made with the object of manufacturing sulphuric acid from material procured here, but these efforts to use the products of the country are still in the experimental stage.

There is also no market here for the bye-products, which in Europe have considerable commercial value, thus further increasing the cost of the manufactured article. All these drawbacks, which make it almost impossible to establish a *bonâ fide* industry, fall on the mines, and render their task, especially that of the low grade mines, extremely difficult and discouraging.

The desirability of establishing industries of all kinds within the Republic cannot for a moment be doubted, but when it is proposed to establish an artificial industry,

whose only hope of success lies in the extension to which it may be allowed to unduly profit from; instead of benefiting a natural and more important enterprise, the economic fallacy of the proposition becomes sufficiently clear to need little further demonstration. Another point that has been brought to the notice of your Commission is the prejudicial effect exercised by the monopoly in practically excluding from the country all new inventions in connection with explosives, and in view of the numerous dynamite accidents that have taken place from time to time it is to be regretted that it is not possible to make satisfactory trials of other and less dangerous explosives for the working of mines.

These questions have received the careful consideration of your Commission, who are forced to the conclusion that the factory has not attained the object with which it was established, and that there is no reasonable prospect of its doing so.

That there are good grounds for believing that the contractors have failed to comply with the conditions of their contract, which required them to establish, complete, and bring into operation, on or before the 24th April, 1896, one or more factories for the manufacture of dynamite and other explosives of such nature and quality, and of such quantity as the requirements and demands within the South African Republic shall require and demand.

For the aforesaid reasons, and in view of the opinion expressed by the Volksraad Dynamite Committee, that the legal position of the Government against the contractors is undoubtedly strong, your Commission desire to recommend that the case be placed in the hands of the legal advisers of the State, with a view to ascertain whether the contract can be cancelled.

Meanwhile, your Commission recommend that the Government avail itself forthwith of its right under Art. 15 of the regulations, namely:—

The Government will reserve for itself—

(A.) The right, when the interests of the State render it necessary, to take away the agency of trading in gunpowder, dynamite, cartridges, and other explosive stuffs, from above-mentioned persons, &c.,

and at once take into its own hands the importation of dynamite and other explosives for the benefit of the mining industry, subject to duty of not more than 20s. per case, or such other less sum as may be determined on from time to time. This protecting duty, while considerably increasing the revenue of the State, would, at the same time, afford ample protection to any industry of this description in the Republic.

In the event of cancellation being advised to be possible, free trade in explosives to be at once established, subject to a duty of 20s. per case, or such other less duty as may be determined upon from time to time, and manufacturing of other explosives in the Republic to be allowed also, to be protected by the same import duty.

Your Commission are of opinion that effective free trade will in no wise be jeopardised by the existence of any ring or combination for the sale of explosives in Europe.

Your Commission further wish to recommend the free importation of detonators.

Your Commission desire further to observe that it is not clear to them, judging from the published accounts of the South African Explosives Company for 1895 and 1896, that the Government receives the proportion of surplus profit secured to it under the contract, namely, 20 per cent., and would strongly recommend, in accordance with Art. 6 of the Contract, an immediate investigation of this Company's accounts by qualified accountants, in conjunction with the financial adviser of the Commission, in order to find out what amount is still due to the Government under this head; and, further, to cause inquiry to be made about the quantity of cases of blasting material, gelatine, and dynamite imported during 1896-97.

Railways.

Your Commission have followed with great attention and interest the evidence and statistics submitted on this point.

From these it appears that not only are the tariffs charged by the N.Z.A.S.M. Company such that, by reduction of the same, the industry would be considerably benefited, but that such a reduction would not only be fair, but carry with them, as a natural consequence, that the neighbouring States and Colonies would have to reduce their tariffs considerably. It does not lie within the scope of the labours of this Commission to enter into the application of the tariffs at present existing and charged by the

N.Z.A.S.M., because this would require a technical knowledge of railway matters, about which your Commission had neither the power or opportunity to gain information.

Your Commission have come to the conclusion that, taking into consideration the evidence submitted to them, and taking the gross revenue of traffic of goods at about £2,000,000 (as in 1896), it will be desirable to recommend so to regulate the tariff for the cartage of goods that the gross revenue for goods traffic for 1896 would have been reduced by £500,000, equivalent to an average reduction of 25 per cent.

Further, your Commission deem it desirable that the Government shall make such arrangements as will secure to them in the future a voice in the fixing of the tariffs of the N.Z.A.S.M., and express their confidence that as soon as prosperous times will warrant such a course, a further reduction in tariffs will be effected.

Your Commission wish to recommend that the reduction will be chiefly applied to traffic of coal, timber, mining machinery, and food-stuffs, according to a scale to be agreed upon between the Government and the N.Z.A.S.M.

Your Commission are of opinion that in this manner the industry will be met in a very fair way.

Your Commission wish to express their opinion that it is absolutely necessary that the reduction in all local tariffs will be brought about as speedily as possible, while they express the hope that where the co-operation of the neighbouring States and Colonies is required, negotiations will be initiated and carried out so speedily that the reductions to be so initiated will come into force not later than the 1st of January next.

Several witnesses and some of the members of the Commission have urged the expropriation of the N.Z.A.S.M. by the Government. Your Commission, however, for several reasons known to them, and after same have been communicated to those members of the Commission who wished to urge expropriation of the N.Z.A.S.M., do not at the present moment desire to urge expropriation, provided by other means terms can be secured from the Company so as to obtain the reduction at present urgently required on the basis as above set forth. Your Commission have been informed that the Company have proposed to the Government to adopt the dividend of the three years, 1895, 1896, and 1897, as a basis for the expropriation price, and your Commission can agree to such proposal.

The expropriation price being thus fixed, the Company will have all the more reason to co-operate towards the lowering of the tariffs. Further, it appears from the evidence of the Managing Director of the N.Z.A.S.M. that, in consideration of the reduction of tariffs, he wished to have secured to the Company a certain period of existence. Your Commission cannot recommend this course, because they do not deem the same to be in the interests of the State, and it would be contrary to the wishes of the public.

Your Commission further wish to recommend that the Government shall take measures to effect an alteration as speedily as possible in the tariffs of the neighbouring States and Colonies, so as to place them on a reasonable basis. From the evidence and statistics submitted to your Commission, it appears that the neighbouring States and Colonies have made very large profits out of their railway traffic, and it is only fair to expect that they will understand the desirability of a considerable reduction.

Before leaving the subject of the reduction of tariffs, your Commission want to remark that the tariff for coal traffic ought to command the largest reduction.

Your Commission have further found that the mining industry has real complaints about the few facilities given by the Company in delivery of coal and goods in general and your Commission are of opinion that every measure ought to be taken to facilitate such delivery.

In connection herewith your Commission recommend that a line of railway shall be constructed to the south of the Main Reef, between Boksburg and Krugersdorp, specially intended for the carrying of coal; and that to the different companies leave should be granted to construct sidings from that line and other lines to their mines, with permission to employ steam power, after approval of the plans by the Government Commissioner of Railways. This will take away the objection at present existing against the payment for the detention of coal trucks, and the expenses thereanent.

Your Commission further wish to recommend that it will be desirable to relieve the tariffs or coal traffic of every and any petty charges which are at present charged for truck hire, shunting, detention, &c.. Your Commission further recommend that the Company will, as soon as possible, provide a quantity of proper coal trucks, by which

coal can be carried in bulk, and by which the unnecessary expense of bags will be obviated.

Finally, your Commission are of opinion that the greatest facilities ought to be granted for the better despatch of all agricultural produce at a low price, and, if required, by night trains to the principal markets of the Republic. There is no reason why milk and other perishable articles cannot be loaded at night at any station of the N.Z.A.S.M., and delivered in time for the markets. As an argument against this may be adduced that at the present moment a very small quantity of such produce would be offered for transport, but your Commission are of opinion that if the opportunity were afforded, probably an important industry in these articles would be created.

Your Commission wish to refer to what has already been said about the carrying by rail of kaffir labourers, where it is proposed to charge for kaffir or coloured labour travelling to the mines one-third of the usual fare, and to recover the balance from them on the return journey. Further, your Commission deem it of the greatest importance that measures should be taken by which all South African railway companies shall carry passengers and goods throughout South Africa under uniform conditions.

Gold Thefts.

According to the evidence submitted to your Commission, gold thefts are on the increase, and, although the Volksraad has given the matter their favourable consideration, and have, at the instance of the mining industry, so amended the Gold Law as to provide for the punishment for the sale and for being in possession of raw gold, still it has been stated to your Commission in evidence that the gold thefts amount to about 10 per cent. of the output, equivalent to an amount of £750,000 per annum.

It follows that the administration of the law must be faulty, because there are only very few instances where the crime has been detected and punished.

If those figures are not exaggerated, and your Commission have no reason to suppose so, then this matter deserves the serious consideration of the Government.

The suppression of this crime can be considered as a real saving to the industry, and this amount of three-quarters of a million would, especially in times of depression, exercise a large influence on the yield and financial position of the mines.

The industry asks that the penal clauses regarding this matter shall be eliminated from the Gold Law, and that a separate law be passed, more or less on the basis of the I.D.B. Law of Kimberley, Cape Colony, and that measures should be taken by which the injured parties shall be unable to exercise control and have supervision over any Department to be established for the detection and suppression of thefts of raw gold.

Your Commission are of the opinion that the Government could grant this request without injuring their dignity on the basis hereafter mentioned; on the contrary it would remove the blame from the present administration, viz., that these thefts can be practically carried on with impunity.

Pass Law.

About this law your Commission have obtained very important evidence from Mr. Kock, the head of the Pass Department at Johannesburg, and refer to his report, from which it will appear that some alterations in the law are required, although what is really required as regards same is that it be strictly carried out.

The Government will find in this report a recommendation by which it is proposed to place the carrying out of the Pass Law under the supervision of a local board on the gold fields, and your Commission further wish to recommend that the entire administration of this law be placed under the supervision of the Superintendent of Natives instead of under the Department of Mines, as at present. Your Commission wish in no way to cast any blame on the Department of Mines for the faulty carrying out of the law up to the present, but if the Government take into consideration the recommendation made by the Commission earlier in this report, with reference to the supply of kaffir labour, the object the Commission have in view in making this recommendaton will be apparent, because it would be impossible for two Departments to be interested in the carrying out of any one law.

Industrial Board.

The evidence which has been laid before your Commission has contained suggestions to establish a Board on which Government nominees and representatives of the

mining industry and of the commercial community of the Witwatersrand should sit, so that the Government representatives should have the benefit of the experience of men whose daily occupation it is to look closely into the affairs appertaining to mines, &c. Your Commission is of opinion that it is advisable that these suggestions should be acted upon. The scope of this Board should consist of the supervision of the administration of the following laws, viz.:—

The Liquor Law, as far as it concerns the proclaimed gold fields;
The Pass Law;
The law relating to gold thefts;

And will further have an advisory voice in the supply of Natives to the mines, which your Commission has recommended your Government to take in its own hands.

The area under the surveillance of the Board should include the Heidelberg, Witwatersrand, and Klerksdorp districts, and other goldfields, as may be found desirable hereafter.

Your Commission suggests that the Board consists of the folowing:—Five members to be appointed by the Government, and four delegates to be appointed by the following bodies, with the consent of the Government, namely, one delegate of the Chamber of Mines, one of the Association of Mines (or in case of an amalgamation, two representatives of the new chamber), a nominee of the Mine Managers' Association, and a nominee of the Commercial Community of Johannesburg.

Your Commission would advise that a separate detective force be placed under the department, whose duty it would be to detect any infringements of the above-mentioned laws, and to bring the offenders to justice in the ordinary course of law.

It should also be in the sphere of the Board's work to report to the proper authorities any laxity on the part of the officials who have to administer the above-mentioned laws.

The Board is to report to the Executive Council upon the working of the laws referred to, and to suggest alterations. It must be well understood that the power of this Board must in nowise clash with the sphere of the Minister of Mines' Department and the Licensing Board, but co-operate with same.

We would adduce as a reason, the more for the creation of such Board, that Government could depute to them the right to receive deputations, hear their arguments, and report to the Government on the subject, whereby a great saving of time would be the result.

We would recommend that the Commission be appointed at once, and that they shall frame their proposals for regulations and submit them at once to Government.

Cement.

Under this heading your Commission merely wish to state that the import duty of 12s. 6d. per cask seems excessively high.

The high freight on an article so heavy as cement already raises the price here to such an amount that it ought to be very easy for any local industry to be able to compete.

Your Commission consequently recommend that the special duty on cement be removed as speedily as possible.

Bricks.

It has been clearly proved to your Commission that the existing concession for the making of bricks by machinery is a great disadvantage. The price of bricks is thereby unduly increased. Your Commission consequently recommend that steps be taken as speedily as possible to relieve the population of the Republic of this undesirable monopoly.

Sweepstakes.

Evidence has been laid before your Commission that the running of sweepstakes and other forms of betting on the races in this Republic has a very injurious effect commercially, and especially on the morality of the young generation of the Republic.

Your Commission are aware that this question is already being dealt with by the Volksraad, and can only express their hope that this honourable body will proceed to modify the law in such a manner that such sweepstakes and other forms of betting will be prohibited.

Closing Remarks.

Before closing this report, your Commission must express their satisfaction with the way witnesses have responded to the Commission's invitations.

It would be invidious to particularise, where there are so many who, at a great sacrifice of time, have devoted themselves to a careful compilation of facts and figures, than which no such interesting or exhaustive statements of the local mining industry have ever been laid before the public.

At the request of your Commission, representatives from Barberton and Klerksdorp came to Pretoria to give evidence, and the public spirit displayed by those gentlemen in coming all the distance to represent the interests of their respective communities deserves the greatest praise. It must be mentioned here that the interests of the aforesaid mining communities are identical to those of the Witwatersrand Goldfields, and any benefits resulting from this inquiry will necessarily extend to those fields.

Your Commission respectfully suggest that for the purposes of general reference, and to be placed in the official archives, this report with all the evidence led, statistics and further addenda, be printed and published in book form. It will also serve a useful purpose in illustrating to foreign investors the conditions under which the mines exist and are worked, the richness of the reefs, and the regularity of the ore deposits. Credit will be restored, as it will be obvious to all who take an interest in the matter that the bogus companies, mostly floated in Europe by unscrupulous promoters, do not come within the pale of legitimate enterprise connected with the mining industry. The establishment of a local mining board has been strongly urged by witnesses.

From an industrial and commercial point of view, this country must be considered as still in its infancy, and without loss of dignity and prestige the Government may accede to the above request.

Experience in these matters can only be attained after the lapse of long years, and by coming in contact with experts from other countries, the State will reap the benefit of the knowledge obtained in their country, where these problems have for decades exercised the minds of their leading citizens.

In conclusion, your Commission fervently hope that they truly and faithfully interpreted the object of the inquiry, and that their suggestions and recommendations, if acted upon, will confer a lasting benefit on

"LAND EN VOLK."

No. 2.

HIGH COMMISSIONER to MR. CHAMBERLAIN.

(Received November 22, 1897.)

Government House, Cape Town,
November 3, 1897.

SIR,

IN the absence and by the direction of the High Commissioner, I have the honour to enclose for your information, with reference to previous correspondence, a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the Report of the Sub-Committee appointed by the Volksraad to consider the Report of the Industrial Commission, and the present political position in the South African Republic.

I have, &c.,
G. V. FIDDES,
Imperial Secretary.

Enclosure in No. 2.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Pretoria, October 28, 1897.

I HAVE the honour to transmit to your Excellency herewith duplicate copies of the Report of the Sub-Committee appointed by the Volksraad to consider the Report of the Government Industrial Commission. This Report was presented to the Volksraad during my recent absence in Cape Town.

It seems hardly necessary to discuss the recommendations contained in this document at length, as they are, of course, all subject to the approval or otherwise of the Raad, which has already embarked upon their discussion. It will, I think, be enough to say that the Report has been received with undisguised disappointment and even dismay by all sections of the industrial, financial, and commercial Uitlander community at the Gold Fields, as well as by no small fraction of the Boers themselves.

With regard to the contents of the Report, I cannot do better than refer your Excellency to the accompanying tabulated comparison of the work of the two Commissions—the Industrial Commission and the Parliamentary Sub-Committee—which appears to me to present in a compact form the leading recommendations of these two bodies. I hope to forward to your Excellency later on copies of the reports of the daily proceedings in the Chamber, but I think it will be simpler to defer this until the debate is over.

SUPPLEMENT TO "THE PRESS," PRETORIA, SOUTH AFRICAN REPUBLIC,
TUESDAY, OCTOBER 19, 1897.

INDUSTRIAL REPORT.

REPORT OF THE SUB-COMMISSION.

RECOMMENDATIONS TO THE VOLKSRAAD.

The following is a verbatim translation of the Report of the Sub-Commission of the First Volksraad on the Report of the Industrial Commission, which was laid on the table of the First Volksraad and will be discussed by the Raad to-day.

Report of the Commission appointed according to First Volksraad resolution, Art. 815, dated 10th August, 1897, in connection with the Report of the Industrial Commission of Investigation.

First Volksraad Hall, Pretoria, 16th October, 1897.

To the Honourable the Chairman of the Honourable the First Volksraad, Pretoria.

HONOURABLE SIR,—The Commission appointed by resolution of your meeting, under Article 815, dated 10th August, 1897, with the instructions to consider the Report of the Industrial Commission of investigation handed in to the Government on the 27th July, 1897, in conjunction with the Honourable the Executive Council, and to submit its recommendations to your Honourable Assembly in the course of the present session, has the honour to intimate to your Honourable Assembly that the Commission has concluded its labours.

The Commission, for treatment by your Honourable Assembly, submits hereafter the communications, recommendations, and proposals which they have thought fit to make in connection with the above-mentioned Report of the Industrial Commission.

The Commission cannot refrain from making the remark that the instruction given to them by your Honourable Assembly was not only of a very important nature, but also most detailed and difficult to carry out. The Commission had to use its best endeavours to accomplish its task in the best possible manner. In conjunction with His Honour the State President, the Commission was obliged, at an early stage, to assemble every day for at least four hours, in order to bring about as far as possible, a favourable change in the existing condition of affairs, by as little as possible delaying the final treatment of the Report of the Industrial Commission of Investigation.

If the Commission, notwithstanding its zeal, and notwithstanding its endeavours to be ready as soon as possible, without injury to their important labours, only got ready with their task after about eight weeks' serious labour, still, from the Report of the Industrial Commission, and from the instruction given to the Commission by your Honourable Assembly, it will be clear to you that in order to deal in an explicit manner with the different questions of so varied a nature which were submitted to the Commission for consideration much time was required—the more so because, as will be seen later on, the Commission, in connection with the report of the Industrial Commission, had also to negotiate with the different companies as contracting parties with the Government.

CHAPTER 1.

In terms of the instruction to separate all points appearing in the Report of the Industrial Commission of Investigation, which in the opinion of your Commission belong to the Honourable the Second Volksraad, from the other points, about which your Honourable Assembly will have to decide, and to refer these matters as soon as possible to the above-mentioned body, your Commission on the 25th August, 1897, referred to the Honourable the Second Volksraad those parts of the Report of the Industrial Commission which deal with the Liquor Law and the Gold Thefts; as regards the first

one, relating to the Liquor Law, with the exception of those parts which contain recommendations regarding the appointment of more police, and the introduction of a better system of supervision at the mines and the introduction of excise officers, special inspectors and detectives under the control of the Liquor Licence Committees.

CHAPTER II.

The Industrial Commission, on page 4 of the introduction to this Report, expresses its disapproval regarding concessions, by which the Industry of the Republic is hampered.

In connection herewith the Commission must say, after having heard the explanations of the Chairman of the Industrial Commission, that the Commission is of opinion that this difficulty has already been met by your Honourable Assembly in the approval of the Report and the scheme of the Commission in connection with the erection of factories in the South African Republic, and the grant of protective rights, in accordance with First Volksraad resolutions, Articles 1868 and 1871, dated 2nd and 3rd November, 1896.

The Report and the scheme above-mentioned are hereunto attached under Annexure A.

CHAPTER III.

White Labour.

Art. 1. In connection with the recommendations of the Industrial Commission relating to the keeping of accounts in connection with the payments of wages and salaries by the mining companies, the Commission recommends to your Honourable Assembly to instruct the Government to frame a draft law in terms of the recommendation of the Industrial Commission, and to publish the same in good time for treatment by your Honourable Assembly at the next ensuing ordinary session.

2. As regards the recommendation of the Industrial Commission relating to the erection of dwelling houses by the mining companies for white labourers, for the purpose of improving thereby the position of the labourers, the Commission is of opinion that this is a question which cannot be dealt with by your Honourable Assembly, as the mining companies themselves should decide and act in this matter.

The Commission can, however, recommend to your Honourable Assembly to authorise the Government, where possible, to place stands at the disposal of the white labourers on the mines, on payment of licences according to law, to enable them to build their own houses thereon, subject to such regulations as the Government, with the advice and consent of the Executive Council, shall deem advisable.

3. With regard to the recommendation of the Industrial Commission dealing with a modification of the existing law between employers and servants, the Commission recommends to your Honourable Assembly to instruct the Government to frame a draft modification of the Law "for regulating the respective rights and duties of employers, servants, and apprentices" in terms of that recommendation, and to publish the same in time to be dealt with during the first ensuing ordinary Session of your Honourable Assembly.

4. The Commission fully agrees with the Industrial Commission as to the desirability of promoting as much as possible every industry. The Commission, however, is not aware that any industry in this country has ever, at any time, been opposed or hindered by Your Honourable Assembly or the Government.

CHAPTER IV.

Kafir Labour.

Art. 1. It has been shown to the Commission that the Government had already entered into correspondence with the Portuguese authorities in order to facilitate as much as possible the supply of natives from the East Coast, for the mines. The Commission recommends your Honourable Assembly to continue the negotiations in this respect.

2. The Industrial Commission proposes to give encouragement in obtaining native labour, firstly, by the payment of premiums to Kafir chiefs, and, secondly, by decreasing the price for conveying Kafirs by rail to one-third of the tariff charged at present, the difference to be recovered in the case of an eventual return journey. From information obtained it appears that the Government has repeatedly endeavoured to meet the mines as much as possible in this respect, and the Commission is fully convinced that the Government will continue to grant every help and assistance.

The Commission moreover attaches hereunto, under annexure B, copies of the circulars issued by the Superintendent of Natives in connection with this matter, in virtue of previous resolutions in this respect of your Honourable Assembly.

As regards the second proposal, the Commission has been advised that the cost of conveying natives to the mines by railway already amounts to half the price charged in other directions.

3. The Commission recommends your Honourable Assembly to instruct the Government to enter into correspondence with the Colonies and States of South Africa, in terms of the recommendation of the Industrial Commission, in order to get the question of black labour once and for all placed on a sound basis.

4. The Commission cannot agree to the recommendation of the Industrial Commission to erect Government depôts for kafirs along the roads, because the mining companies, if they wish it, can do this at their own cost and on their own responsibility.

CHAPTER V.

TRANSIT DUES.

According to what has been remarked in this connection by the Industrial Commission, the Republic has to pay yearly to neighbouring States for transit dues an amount of £600,000. It appears, however, from the Report of the Inspector-General of Customs that this must be about £320,000.

The Commission recommends to your Honourable Assembly to instruct the Government to enter into negotiations with the Governments of South Africa in connection with a decrease or a general cancellation of the transit dues.

The Commission in the meantime submits to the consideration of your Honourable Assembly the question of decreasing the transit dues in their State from 3 per cent. to 1½ per cent.

CHAPTER VI.

CUSTOMS DUES.

Art. 1. The Commission has been informed that the recommendation of the Industrial Commission to dispense as far as possible with the Customs dues on foodstuffs, refers to the special Customs dues with which various foodstuffs have been charged in accordance with Law No. 4 of 1894.

In view of the fact that by virtue of the Executive Council resolution Art. 22, dated 22nd January, 1896, and the respective First Volksraad resolution, Art. 100, dated 11th May, 1896, the special Customs dues have been taken off from

Meat in tins.	Flour (all kinds).
Biscuit (in tins or not).	Mealies.
Eggs.	Bacon.
Vegetables (fresh, conserved or dried).	Pork.
Ham.	Porkfat (lard).
Kafir corn.	Pigs.
Cake (in tins or not).	Fruits of the soil and
Corn.	Sausage.

The Commission recommend to your Honourable Assembly to let these articles for the present remain free of special Custom dues, on condition that if the Honourable the Executive Council is of opinion that for the protection and encouragement of Transvaal industries and products it is required to again levy the special duties on such articles as are stipulated by law, this can be done by that Honourable Body after six months' notice, to be published in the *Government Gazette*.

The Commission further recommends to your Honourable Assembly, for the purpose of making this decrease relate to all foodstuffs, to include in these articles also butter, cheese, coffee, rice, sugar, large and small cattle.

2. In connection with the memorials relating to the Customs dues, which were referred to the Commission by your Honourable Assembly, and considering in this respect that it has also been the intention of your Honourable Assembly to give authorisation, in cases where this may be found requisite, to increase the import dues on certain articles, and taking further into consideration that in case your Honourable Assembly agrees to the reduction of import dues as proposed by the Commission, and also agrees to the other recommendations made in the Report, the revenue of the State will suffer to a considerable extent, the Commission has considered it its duty to propose special import dues to be levied on certain articles, especially articles of luxury, or to increase the existing ones.

The Commission therefore takes the liberty of proposing to your Honourable Assembly as follows :—

(*a.*) To increase the duties on all spirits or liquids containing a spirit standard above proof or above the spirit standard represented by 56 deg. measured with the alcoholmeter of Trallis, per gallon, from ...	20s. to 25s.
(*b.*) Tea, per 100 lbs., to be increased from	5s. to 12. 6d.
(*c.*) Cocoa or chocolate and coffee, mixed with milk, specially to be charged per 100 lbs. with	25s.
(*d.*) Matches of wood or wax, in boxes or packets, and not more than 100 per box or packet, to be specially charged per gross of boxes with ...	4s.
For each 100 which a box contains extra or for each part thereof, a special duty per gross of boxes	4s.
(*e.*) Champagne or spirituous wine to be increased per gallon from ...	10s. to 12s. 6d.
(*f.*) Pianos to be specially charged, each	40s.
(*g.*) Opium to be specially charged per pound	2s. 6d.
(*h.*) Dagga to be specially charged per pound	1s.
(*j.*) Bicycles and fixtures to be specially charged *ad valorem*	10 per cent.
(*k.*) Playing cards, per pack of not over 52, to be specially charged ...	3d.
(*l.*) Empty bottles to be specially charged, per dozen	1s.

(*m.*)	Jams and preserves, now specially charged with 25s. per 100 lbs., to be charged as follows: Jams, preserves, jellies, honey, preserved ginger and all articles preserved by means of sugar, excepting articles which fall *bonâ fide* under apothecary wares or medicines, per 100 lbs. ...	40s.
(*n.*)	Sweets per 100 lbs., now £1 5s., to be altered as follows:—Sugar, sugar-ware and all articles of which sugar is an important factor, per 100 lbs.	£1 10s.
(*o.*)	Cakes, in tins or not, per 100 lbs., at present £1 5s., to be altered as follows:—Cakes, that is to say, pastry, cakes, sweetmeats, sugars, puddings, and such articles in tins or otherwise, per 100 lbs.... ...	£1 10s.
(*p.*)	Perfumed oils, the spirit standard of which is under 11 deg. measured with the alcoholmeter of Trallis, and all perfumeries and toilet articles to be specially charged *ad valorem*	7½ per cent.
(*q.*)	Chicory, at present per 100 lbs. 7s. 6d., to be changed to chicory, ground, burnt, and mixed coffee, or any substitute for coffee, per 100 lbs. ...	7s. 6d.
(*r.*)	To soap (ordinary), and soap (perfumed), etc., to be added: "powders and extract of soap"	—
(*s.*)	Pickles, sauces, chutneys, jellies, and other preparations of sauces, to be specially charged per 100 lbs.	£1 5s.
(*t.*)	Oatseeds, per 100 lbs., to be raised from	5s. to 10s.
(*u.*)	Chaff to be specially charged per 100 lbs. with	5s.

3. Also, in connection with the above, the Commission further considers it desirable that various stamp dues be imposed, when it can be done without becoming a burden.

The Commission, therefore, recommends to your Honourable Assembly to instruct the Government to frame a draft law, and to publish the same in time to be dealt with in the next ensuing ordinary session of your Honourable Assembly.

4. The Commission further recommends in this respect to instruct the Government to make a proposal during the next ordinary session for raising the special import dues on all spirits and wines from over the sea.

CHAPTER VII.

DYNAMITE.

Art. 1. In connection with what is reported by the Industrial Commission about the evidence given on behalf of the "South African Explosives Co., Ltd," the Commission thought it necessary to request the Government Agent, Mr. L. G. Vorstman, to furnish the Commission with information on several points.

This request was complied with by Mr. Vorstman, and the Commission is prepared to enlighten your Hon. Assembly on the subject.

2. As regards the remark of the Industrial Commission that the high profit of 40s. to 45s. per case sold does not accrue to the benefit of the State, but for the greater part only to individuals, living in Europe, the Commission wishes to intimate that in its opinion, in accordance with information obtained, it is not possible to make such high profits on dynamite made in this country out of imported materials.

3. With regard to the remark of the Industrial Commission that, according to the report of the Volksraad Dynamite Commission of February, 1897, the Company, for the years 1897 and 1898, would make a profit of not less than £580,000, your Commission has found that the Company in connection with said report, has since addressed a letter to the Government discussing every point in that report. For your information the Commission attaches a copy of that letter hereunto, under annexure C.

4. In connection with the remark of the Industrial Commission as to the manufacture of explosives from the products of the land, the Commission has to report as follows:—

(*a.*) That the Commission has been informed that no country in the world can furnish all the necessary products.

(*b.*) That large quantities of Keisolguhr have already been obtained in this country, and that suplhur and saltpetre are also found.

(*c.*) That according to a letter of the Company to the Government, dated 31st August, 1897, a copy of which is hereunto attached under annexure D, no more explosives for the manufacture of dynamite required to be imported in the future, but that sufficiently large quantities of dynamite can be made here from the raw material.

(*d.*) That in the opinion of your Commission the time has arrived for the Government to urge the Company to use the materials of the country for the manufacture of dynamite, etc., and that the Government act according to Letter C of Art. 10 of the regulations relating to the State monopoly for explosives.

5. The Industrial Commission report that from evidence given outside that of the Dynamite Company it has been proved that dynamite No. 1, containing 75 per cent. of nitro-glycerine, can be delivered free on board at Hamburg at 23s. 6d. per case of 50 lbs.

In this connection, your Commission has the honour to inform you that from the official correspondence, contained in Minute R, 1770/97, in accordance with resolution of the Honourable the First Volksraad, under Art. 415 of the minutes of the 22nd February, 1897, whereby was approved the proposal of the Volksraad Dynamite Commission as contained in Art. 16, part v. of its Report, to instruct the Government to cause an investigation to be made, in order to ascertain at what prices and in what quantities the Government would be able to buy explosives, it appears that the Executive Council by resolution, Art. 260 of the 23rd March, 1897, has charged the Honourable the State Secretary, during his stay in Europe, with this investigation; whereby he was allowed to make use of the services of experts, amongst others of Mr. Klimke, State Mining Engineer. From the reports,

handed in according to this instruction, and from the quotations received by the Government direct from manufacturers, it appears that dynamite was offered at the following prices :—

KIND OF DYNAMITE.

Prices per case of 50 lbs. delivered at Marseilles :—
Dynamite or blasting gelatine 56s.
Do. gelatine No. 1 ... 46s.
Do. No. 1 guhr ... 46s.
Do. No. 3 ... ... 30s.
[Not less than 4,000 cases at a time and cash.]

Price per case of 55½ lbs., or 25 kilogrammes delivered at Delagoa bay :—
Prime gelatine dynamite ... 45s.
Blasting gelatine ... ... 60s.
Prime kieselguhr dynamite . 45s.
[50,000 cases yearly, to be delivered in monthly consignments.]

Price per case of 50 lbs. delivered at Hamburg :—
Good dynamite ... ... 41s.
Do. ... ... 45s.
Do. ... ... 41s. 3d.
[2½ per cent. discount for cash.]

Price per case of 50 lbs. delivered at English port :—
Good dynamite ... ... 46s.

Price per case of 50 lbs. delivered at Havre :—
Good dynamite ... ... 56s. 5d.
Do. ... ... 38s. 5d.

Price per case of 50 lbs. delivered at Genoa :—
Good dynamite ... ... 57s. 7d.

Price per case of 50 lbs. delivered at Savona :—
Good dynamite ... ... 56s.

Price per case of 50 lbs. delivered at Bilbao :—
Good dynamite ... ... 48s.

Price per case of 50 lbs. delivered at Trieste :—
Good dynamite ... ... 60s.
Do. ... ... 61s. 6d.

Price per case of 50 lbs. delivered New York :—
Good dynamite ... ... 52s. 1d.
[2 per cent. discount.]
Good dynamite ... ... 52s. 7½d.
[2½ per cent. discount.]

6. The Report of the Industrial Commission says : The evidence given on behalf of the Company shows that Nobel invoices the same material (*i.e.* dynamite No. 1) to them at 29s. 6d. per case in Hamburg.

Your Commission would remark in this connection that it has been positively assured that dynamite was never imported by the Government, but only guhr impregne, out of which the Company manufactured dynamite, etc., in this country.

7. In connection with what is said by the Industrial Commission as to the price of blasting gelatine f.o.b. Hamburg being 43s. 6d. per case, the Commission refers to its statement of prices under Art. 5.

8. In connection with the observation of the Industrial Commission that the Company charged 22s. 6d. more for blasting gelatine than for dynamite No. 1, your Commission has been informed, on the part of the Company, that in accordance with the proportion of nitro-glycerine in dynamite No. 1 and in blasting gelatine, being respectively seventy-five and ninety-three per cent., the Government have authorised them to charge 40 per cent. more for blasting gelatine than for dynamite No. 1.

The Commission refers in this respect to Art. 6 of the Regulations regarding the State Monopoly in the matter of ammunition and explosives, paragraph 4.

9. The Industrial Commission, in its Report, says that there are good reasons to believe that the contractors have failed to comply with the condition set forth in their contract regarding the erection and working of one or more factories for the manufacture of dynamite. The Commission has been informed in this connection that the Company maintains that the delay to a great extent has been due to the Jameson raid, as also appears from the Report of the Volksraad Dynamite Commission of February 19, 1897, paragraphs 5 and 8 of chapter 1, which reads as follows :—

> Section 5—Under Art. 6 of the Contract, the agent undertook to erect the factory mentioned in aforesaid paragraph within 2½ years from October 25, 1893, therefore by April 24, 1896.
>
> Section 8—This factory was erected and commenced operations on October 22, 1896, therefore, after the expiration of the time stipulated in the contract.

Your Commission is, however, of opinion that with regard to this neglect, the events of December, 1895, and January, 1896, must reasonably be taken into consideration.

10. With regard to the recommendation of the Industrial Commission, that the Government shall make use of the right ensured to them under Art. 15 of the regulations, to undertake the agency of, and the trade in, gunpowder, cartridges, and other ammunition themselves, your Commission is of opinion that the Industrial Commission has no doubt lost sight of the stipulations contained in Art. 12 of the contract with Mr. L. G. Vorstman. The Commission is of opinion that even if the Government should make use of this right, the Mining Industry would in no way benefit by it.

11. In connection with the recommendation of the Industrial Commission, that the legal position of the Government as against that of the Company shall be ascertained by the legal advisers of the State, and that the books and accounts of the Company shall be examined without delay, your Commission was of opinion that these matters exclusively appertain to the Government, and from information obtained, it appears that the Government, in fact, have already taken the necessary steps in this connection.

12. With regard to the remarks of the Industrial Commission, that it is not clear from the published balance sheets of the Explosives Company for the years 1895 and 1896 that the Government has received that portion of the nett profits to which it is entitled under the contract, namely, 20 per cent., and after having obtained an insight into the balance sheets and profit and loss accounts of the Company, your Commission has come to the conclusion that the 2s. 6d. per case nett profit has not always been paid to the Government, as agreed by Paragraph 7 of Art. 6 of the contract, and after

having paid the necessary attention to the manner of the writing off of amounts on the abovementioned accounts, the Commission is further of opinion that objection may be made to certain amounts written off, and, therefore, recommends your Honourable Assembly to instruct the Government to demand from the Company the still unpaid minimum amount of the nett profits of 2s. 6d. per case of dynamite, as stipulated under Paragraph 7 of Art. 6 of the contract, as also the amount which will be 20 per cent. more than the abovementioned minimum amount, according to Paragraph 8 of Art. 6 of the contract.

13. In view of the recommendation of the Industrial Commission as to the manner of importation of detonators, and taking into consideration that in this State no detonators are as yet manufactured, the Commission recommends to your Honourable Assembly to instruct the Government to issue permits for the importation of detonators, on condition that such permits are only issued to persons or companies who have given a written declaration that they only require the detonators for personal use; and, further, on condition that the quantity shall be for consumption of six months; the importation, further, to take place against payment of the existing duties according to law, being 7½ per cent. *ad valorem*.

14. In connection with what is said in the Report of the Industrial Commission regarding the prices at present paid for dynamite, and taking into consideration that the period of eight years, as stipulated in the last part of Art. 6 of the regulations, has not yet expired, the Commission with the Executive Council have negotiated directly, and through the intermediary of the Government, with the Company as to a possible reduction of the prices of dynamite, in terms of the last part of Article 7 of the Regulations, and the most acceptable result of these negotiations has been that the Company have declared themselves prepared for an indefinite period to reduce their price of dynamite by five shillings per case. The Commission has accepted this, and notified the Company that it will acquaint your Honourable Assembly with it.

Further, considering that on the part of the Mining Industry it is declared that several poorer or badly-paying mines cannot successfully be worked under the present circumstances, and, further, taking into consideration that the establishment in this country of a dynamite industry has not been accomplished so much with the purpose of benefiting the Exchequer, as to make the State independent in respect of the industry and trade in explosives, and, further, considering that the aim must be to support and to meet the Mining Industry, the Commission is of opinion that they must recommend your Honourable Assembly, by way of experiment, to waive the right on the 5s. coming to the State, according to Art. 6 of the Contract and Art. 11 of the Regulations, on every case of dynamite sold, in favour of the Mining Industry, so that according to this proposal in connection with the 5s. reduction on the part of the Company, as above mentioned, the price of dynamite, etc., would be reduced by 10s. per case, which, at the rate of 200,000 cases consumed yearly by the Mining Industry, will mean a saving of £100,000.

CHAPTER VIII.

RAILWAYS.

Art. 1. With regard to the recommendation of the Industrial Commission to reduce the tariffs on goods in such a manner that the gross proceeds for the conveyance of goods for 1896 would be reduced by £500,000, your Commission must remark that it is of opinion that a reduction of £500,000, or one-fourth of the gross proceeds, is equal to a reduction of £500,000 on the surplus profit.

In conjunction with Mr. G. A. A. Middleberg, Director of the Netherlands South African Railway Company, and with his consent, your Commission has decided to recommend your Honourable Assembly to instruct the Government to reduce the railway tariffs, in conjunction with the Railway Company, in such a manner that on the basis of the returns for 1896. the surplus profits would amount to £200,000 less. Your Commission further proposes that this reduction, if possible, shall come in force on January 1st, 1898, but at any rate not later than February 1st, 1898, and that the reduction shall chiefly apply to the tariffs on the conveyance of articles which, in a direct manner, affect the Mining Industry, as mentioned in the Industrial Report, and shall also serve to meet the bucolic population in the matter of its native products and industry.

Finally, your Commission recommends your Honourable Assembly to instruct the Government to take steps for entering into negotiations with the neighbouring Railway Administrations, with a view to the reduction of railway tariffs.

2. In connection with the proposals to take as a basis for the expropriation of the Netherlands South African Railway the dividends for the years 1895, 1896, and 1897, and, further, in connection with the guarantee to the Company of a longer period of existence, and the proposal to give the Government a voice in the regulation of the tariffs, the Commission would report that the agreement as to reduction of the tariffs, as above mentioned in Art. 1, has been unconditionally entered into on the part of the Railway Company, so that the concession consequently remains unaltered.

3. As regards the complaints about the few facilities offered by the Railway Company in the conveyance of coal, and in connection therewith the necessity of freeing the conveyances of coal from small expenses, such as truck hire, shunting, etc., as well as the desirability of procuring proper coal trucks, by which coal can be transported in bulk, the Commission has been informed by the representative of the Netherlands South African Railway Company that it is the aim of the Company to facilitate to a greater extent the service and the conveyance, but that, notwithstanding much trouble and effort, it can only be done slowly, and, further, that it is also the aim of the Company, to free transport from troublesome and small expenses, which expenses, however, only represent a small amount.

The Commission has sufficient reason to believe that the Company will continue, where possible, to meet the Mining Industry.

4. With regard to the recommendation of the Industrial Commission to construct a railway between Boksburg and Krugersdorp, for the conveyance of coal, your Commission has been informed that the Government will submit a proposal to your Honourable Assembly respecting the construction of a line of railway for the conveyance of coal south of Johannesburg.

5. As to the construction of branch lines, with steam power, from the line of railway to the mines, the Commission is of opinion that this is required in the interest of the Mining Industry itself, and it therefore recommends your Honourable Assembly to authorise the Honourable the Executive Council to consent to the construction of branch lines, also with steam power, from the line of railway to the batteries, for the conveyance of coal and other mining requisites, all previous stipulations contrary to this proposal to become amended on the approval thereof.

6. As regards the desirability of running night trains for the conveyance of milk and other perishable products, the Commission has been informed that the necessity thereof has not yet presented itself, but that everywhere provision exists for conveyance of such agricultural products to the markets by night trains.

7. The Commission agrees with the opinion of the Industrial Commission that everything possible should be done, not only to facilitate the conveyance of coal, but also of all agricultural products to the markets. The Commission is further of opinion that the conveyance of live stock and of all perishable products should not be delayed, but that conveyance to the place of destination should at once take place. The Commission recommends your Honourable Assembly to instruct the Government also to make the necessary provisions in this respect when arranging for the reduction of tariffs.

8. Your Commission is of opinion that the collection of import dues by the Netherlands South African Railway Company is no longer required, as it was at the time the concession was granted, for covering the interest due on the capital, and the Commission is therefore of opinion that the time has arrived to modify the existing concession in such a manner that the import dues, transit dues, and export dues at the Portuguese boundary, on goods conveyed over the railway, shall be collected by the State itself as State revenue. The Commission, therefore, recommends your Honourable Assembly to instruct the Government to enter into negotiations in this connection with the Netherlands South African Railway Company, and to report on the matter during the next Session.

CHAPTER IX.

Pass Law.

Considering what has been said by the Industrial Commission under the Chapter, "Pass Law," the Commission recommends your Honourable Assembly to authorise the Honourable the Executive Council to amend the Pass Law, in conjunction with the Superintendent of Natives and the Pass Distributors as may be considered desirable by the Honourable the Executive Council in the interest of the Mining Industry, these modifications to come into force immediately after publication in the *Staatscourant*, until the Honourable the First Volksraad shall have further decided on the matter during the next ensuing ordinary Session.

CHAPTER X.

Advisory Board.

Industrial Board or Commission, also the proposals of the Industrial Commission, appearing under the heading Liquor Law, which were not referred to the Honourable the Second Volksraad.

Art. 1. Your Commission cannot agree with the proposal of the Industrial Commission regarding the creation of an Industrial Board or Commission on the diggings for the purpose of supervising the Liquor Law, the Pass Law, and preventing gold theft, because it would then appear as if there existed a government within a government.

In order, however, to meet the Mining Industry in regard to these gold thefts, which are reported by the Industrial Commission as taking place on a large scale at the mines, your Commission recommends your Honourable Assembly to authorise the Honourable the Executive Council, by way of experiment, to appoint a trustworthy and competent person to see that the above-mentioned laws are properly carried out to prevent the gold thefts and to discover the culprits.

This person will, in the execution of his duties, be assisted by some trustworthy and competent detectives, these detectives not to encroach in the slightest degree upon the obligations and duties of the police force (the secret police not excepted) on the diggings. The above-mentioned official will further be responsible to the Government, and will send in monthly reports as to the working of the laws and regulations above mentioned.

2. For the further and successful prevention of the gold thefts, the Commission is of opinion that it is very desirable that the Government should enter into negotiations with the various States and Colonies in South Africa, to mutually take measures for the prevention of gold thefts. The Commission therefore recommends your Honourable Assembly to give the necessary instructions to the Government in this respect.

3. The Commission is of opinion that by the measures mentioned in Art. 1, all the proposals as to more police and a better system of supervision on the mines in connection with the carrying out of the stipulations of the Liquor Law have been met, as also the proposals to place special inspectors and detectives under the control of the Liquor Committees, as appearing under the heading "Liquor Law," par. *b*, and under the last section of that chapter.

4. Your Commission does not agree with the recommendation of the Industrial Commission in in the last paragraph of the chapter "Liquor Law," to make such regulations that the excise officials of the various districts shall come directly under the control of the Liquor Committees, on the ground that in their opinion the collection of excise belongs to the department of the Inspector-General of Customs.

CHAPTER XI.

Cement.

The Industrial Commission proposes to withdraw as soon as possible the special duty on cement. The Commission, taking into consideration that there exists a home industry: that the Honourable

the First Volksraad, by resolutions, Arts. 1868 and 1871, dated 2nd and 3rd November, 1896 (see annexure A), has laid down the principle of protecting home industries : that the quality and the quantity of the cement produced in this country offers sufficient justification for the protection of the existing factories : considers that it must recommend to your Honourable Assembly not to consent to any reduction of import dues on cement.

CHAPTER XII.

BRICKS.

In connection with the recommendation of the Industrial Commission, to take steps in order to free the population from the undesirable monopoly for the mechanical manufacture of bricks, your Commission can report that, as is generally known, in 1885 a concession was granted for the mechanical manufacture of bricks.

This concession expires in 1902. As long as the concessionaire complies with the stipulated requirements, there can be no question of cancellation of this agreement.

The Commission is of opinion that tiles and pans, as well as bricks, must be manufactured, and recommends your Honourable Assembly to instruct the Government to cause a careful investigation to be made as to whether a pan and tile factory is connected with each factory, and to report on the matter to your Honourable Assembly during the next ordinary session.

CHAPTER XIII.

SWEEPSTAKES.

In connection with what has been reported by the Industrial Commission with regard to sweepstakes, your Commission is of opinion that it is superfluous to enter any further into the subject, as your Honourable Assembly, by First Volksraad Resolution, Art. 378 of June 25, 1897, has already given instruction to the Government in this connection.

CHAPTER XIV.

MEMORIALS.

Your Honourable Assembly has thought fit to refer to the Commission several memorials relating to the subjects dealt with in the Report of the Industrial Commission.

In this respect your Commission has to make the following recommendations :—

As regards the memorials anent import dues in general, and the memorials concerning import dues on cattle, the Commission proposes to forward to the first signatories of the various memorials a copy of Chapter XI. (Import Dues) of the Report.

In connection with the memorial as to the import dues on tobacco, the Commission has received a request from some of the petitioners not to take any steps in the matter for the present.

Regarding the memorials relating to the dynamite monopoly, the Commission proposes to forward to the first signatories a copy of Chapter VII. (Dynamite and Explosives) of the Report.

As regards the memorials relating to the expropriation of the railway of the Netherlands South African Railway Company, your Commission recommends your Honourable Assembly to reply to the first signatories of these petitions that under the present circumstance your Honourable Assembly does not see its way to entertain a scheme of expropriation, and that with regard to the reduction of tariffs, the attention of the petitioners is drawn to what is communicated in that respect under Chapter VIII. of this Report (Railways).

Finally, with regard to the memorials regarding the Pass Law, the Commission proposes to forward to the first signatories a copy of Chapter IX. (Pass Law) of this Report.

Considering that it has complied with the instructions given to it, the Commission has the honour to be,

Honourable Sir,
Your obedient servants,
(Signed) A. D. W. WOLMARANS,
Chairman.
C. J. TOSEN,
F. G. H. WOLMARANS,
BAREND J. VORSTER, JR.,
LOUIS BOTHA,
Members.

P.S.—Messrs. L. Botha and B. J. Vorster, Jr., members of the Commission, wish to reserve the right to make known their objections to a few articles of this Report, when the same is dealt with, and when they consider it necessary.

(Signed) LOUIS BOTHA,
BAREND J. VORSTER, JR.,
Members of the Commission.

(ANNEXURES.)

A.

The following report with scheme has been approved by First Volksraad resolutions articles 1868 and 1871, of the 2nd and 3rd November 1896 :—

Your Commission, appointed as stipulated by First Volksraad resolution, art. 628, of 18th July, 1895, with instructions to draw up, in connection with the Government certain regulations in

connection with the above-mentioned Commission's report on the granting of bonuses to certain factories, has the honour to report as follows :—

1. Forty-one requisitions with 1788 signatures have been handed in to your Commission, in favour of the granting of bonuses and against the granting of Concessions and exclusive rights, as an encouragement for the erection of factories ; one requisition with one signature asking for a rebate on the articles imported by him and thirteen requisitions with 834 signatures against the granting of bonus, but in favour of protection.

2. Your Commission has taken into serious consideration what would be the best means of generally promoting the erection of factories in this Republic.

3. Although your Commission had been instructed to draw up a scheme for the granting of bonuses, they find, after lengthy discussion with the Government, no grounds for recommending this system, or of submitting a scheme for this purpose ; in consideration, however, of the importance of the matter, and being convinced of the desirability to promote the erection of factories, also with a view to the independence of this Republic, they wish to lay before you for consideration the following scheme, in which, to satisfy the desires of all the requisitioners, the principle of protective rights has been laid down :

SCHEME.

1. For the promotion of Home Industry, each person or persons will have the right to erect one or more factories, with the exception of those industries for which concessions, or exclusive rights, have been granted, and which have still right of existence.

2. Every person desirous of erecting one or more factories in the South African Republic will have to notify his intention to the Executive Council, which body, after having been convinced that such factory is in the interests of the country, can give its consent, on conditions to be fixed subsequently.

3. The Executive Council, with the approval of the Honourable the First Volksraad, can then grant protection in the form of levying special protective import dues, for a period to be fixed, on the article to be manufactured, as soon as it has been proved to the satisfaction of the above-mentioned body that the quantity and the quality are sufficient.

4. The Executive Council reserves the right, if necessary, to appoint persons to exercise necessary control, and to inspect the books of the manufacturers, and to see that the manufacture complies with all the conditions imposed upon it as regards quantity and value of the goods manufactured.

5. If it is proved that the manufacturer does not manufacture the required quantity and quality, as stipulated on the granting of the protective right, the Executive, with the approval of the Honourable the First Volksraad, will have the right to withdraw the protective duties.

6. The manufacturer shall not abuse the protective rights by selling his manufacture at a much higher price than that at which it can generally be sold, without the protective right.

B.

[CIRCULAR.]

R. 1220/93. [R. 10295 93.

Office of the Superintendent of Natives, Pretoria,
December 11th, 1893.

Mr..... .....

DEAR SIR,—Herewith I want to draw your attention to Government Notice, No. 319, as appearing in the *Staatscourant* of September 27th last, in which, for general information, is published a resolution of the Honourable the First Volksraad, art. 1256, of August 31st, 1893, taken in connection with certain requisitions relating to the labour question.

I trust that you will act in the spirit of the Report of the Commission appointed by the Volksraad to report on this matter, which is also published, and that you will use your influence with the Natives, and will do everything in your power to bring this difficult question to a satisfactory close, and to provide the burghers with labour.

I have the honour to be,
Your obedient servant,
(Signed) P. J. JOUBERT,
Superintendent of Natives.

No. 319.

GOVERNMENT NOTICE. R. 10295/93.

For general information and with reference to the requisitions relating to the labour question is hereby published the respective Commissions' Reports, as also the resolutions taken by the Honourable the First Volksraad by Art. 1256 of its minutes of the 31st August, 1893.

(Signed) DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 22nd September, 1893.

REPORT

of the Commission appointed in accordance with First Volksraad Resolution, Art. 1161, dated August 22nd, 1893.

To the Honourable the Chairman of the Honourable the First Volksraad, Pretoria.

Honourable Sir,—The Commission appointed by the First Volksraad Resolution, Art. 1161, of the 22nd August, 1893, has the honour to report herewith as follows :

1. The Committee has gone into the requisitions of the public, complaining of the existing scarcity of labourers and working men, with which your Commission is fully acquainted.

2. The Commission has taken note of the proposed amendment of the law handed into the Government by the Superintendent of Natives relating to the modification of the Pass Law, the Plakkers Law, and the Native and Servants Law, which amendment could not, however, be published, so that it could not be dealt with as a draft law.

3. The Commission has thereupon limited itself to the following two points :—(*a*) What must be done to settle the labour question for the future ? (*b*) What can be done in the meantime to improve as much as possible upon the present condition of scarcity of labour ?

4. As regards the first point, the Commission can make no other proposal than that contained in the instruction given last year to the Government, namely to draw up, in conjunction with the Superintendent of Natives, an amendment of the law referring to this question, and to have it properly published, in order that it may be laid before the Honourable the First Volksraad in its next session. The proposal already submitted by the Superintendent of Natives will, in the opinion of the Commission, serve as a guide in the matter.

5. In connection with the second point, to take some preliminary steps in order to assist the burghers of the land in their difficulty as regards scarcity of labour, your Commission wishes to remark that :

(*a*). In their opinion hundreds and thousands of young, strong kafirs at the present moment lead a lazy, inactive, even immoral life in the many kafir-kraals at the Mission stations and the locations.

(*b*). If these kafirs went out to work at the farms of the burghers for reasonable wages, the prosperity of the country would greatly be promoted, and in that case, the complaints as to scarcity of labour would no doubt soon end.

6. To the question how a change can be brought about in the existing condition of affairs, the Commission can only reply that this can only be accomplished by combined action on the part of the Captains or Chiefs of locations and kraals and the Commissioners and the Sub-Commissioners of Natives and the employers. Captains and Chiefs would have to be appointed at the Mission stations and in kraals where there are no Captains or Chiefs, also to act in conjunction with the Native Commissioner.

7. In the opinion of the Commission the reverend missionaries could also contribute their share, by using their influence with the young kafirs at their stations, and by giving the natives to understand that industry is one of the first principles and conditions of civilisation.

8. With a view to the above, the Committee can recommend with frankness that your Honourable Assembly instruct the Government to act in terms thereof.

9. And, further, authorise the Government to appoint Captains and Chiefs under a salary fixed in proportion to the number of labourers furnished by them every year.

10. Your Commission has no doubt that the Captains and Chiefs will be ready and willing to help the Native Commissioners in obtaining labourers.

11. Your Commission has in this respect special regard to young natives, who are not strong enough, and for whom it is very often dangerous, even sometimes disastrous, to work in the mines or in large towns. Such young kafirs would preferably have to work at the farms.

12. The Commission is further of opinion, that it will work very satisfactorily if the Commissioners or Under Commissioners of Natives, in conjunction with the Captains or Chiefs, fix the wages, and see to it, as far as possible, that the native labourers are well treated.

13. Your Commission further recommends, if the above proposals are approved, to instruct the Government, in conjunction with the Superintendent of Natives, to draw up such regulations as will be conducive to and desirable in the execution thereof.

14. And to instruct the Government, with a view to the above, to forbid the Commissioners and Sub-Commissioners of Natives to furnish labourers for a reward.

The Commission above mentioned,
(Signed)
C. J. A. BIRKENSTOCK, Chairman.
T. DU P. DE BEER, } Members.
PAUL MARE, }

Pretoria, August 29th, 1893.

Resolution of the Honourable the First Volksraad, Article 1256, of 31st August, 1893.

Art. 1256.—The First Volksraad, considering the Commission's report, with the various memorials in regard to it, at present under discussion :

RESOLVES : To approve of the said report, with the exception of paragraph 9, this to be eliminated, with the understanding that the Commissioners and Sub-Commissioners shall also deal in paragraph 6 with the gathering of kafirs on private grounds where the "Plakkers Law" is properly carried out ;

And resolves further to instruct the Government in conjunction with the Superintendent of Natives, to administer these regulations without delay, and to take such measures as they think fit, in the interest of the public, as has been also expressed in some memorials ; by which regulations the general trekking of natives from one place to another will also be temporarily prohibited, with a view to the diminution of the spread of infectious disease ;

And the Raad finally resolves to forward to the first signatories of the various memorials a copy of this resolution, with the report, as a reply to their memorials.

C. B. 1-97.

CIRCULAR.

To Landdrosts, Commissioners and Sub-Commissioners of Natives.

Office of the Superintendent of Natives,
Pretoria, 6th January, 1897.

Mr. ————

DEAR SIR,

AS it has appeared, and still appears, that the great majority of the native population in this State do not act up to the expectations of employers to be of service to them, and as it is considered

desirable to encourage the natives, and in order to promote activity and civilisation amongst them, the Honourable the First Volksraad has appointed a Commission, which made the following recommendations, approved by the Honourable the First Volksraad, which I give hereunder for your information and minute carrying out.

I request you kindly to communicate with me from time to time, informing me how far these measures satisfy the present want of native labour.

(Signed) P. A. CRONJE,
Superintendent of Natives.

No. 585. GOVERNMENT NOTICE. B. 9626–96.

For general information is hereby published the following recommendations of the Commission from the Honourable the First Volksraad, on the motion, A. Wolmarans–Erasmus, relating to the supply of native labour by granting bonuses, &c., to Kafir chiefs, approved by the Honourable the First Volksraad by Art. 2260 of its minutes, dated December 8th, 1896.

(Signed) W. J. LEYDS,
State Secretary.

Government Offices, Pretoria, 19th December, 1896.

RECOMMENDATIONS

Of the Commission appointed in accordance with First Volksraad resolution, Art. 1019, dated 27th July, 1896, on the motion, A. Wolmarans–Erasmus. Approved and fixed by resolution of the Honourable the First Volksraad, under Art. 2260 of its minutes of the 8th December, 1896 :—

In order to promote industry and civilisation among the natives, and in order to prevent thousands of them leading a lazy, inactive, and sometimes immoral life, the Government, through the Superintendent of Natives, will instruct all the Commissioners of Natives and Sub-Commissioners of Natives to use their moral influence with the kafir chiefs or kafir captains to get them to encourage their people in active industry, and to teach and convince their people that industry is one of the greatest principles of civilisation, in order to induce the natives fit for mining work to go out and work on the diggings, and those who are too young for such work to go and labour at the farms ;

The kafir captains and kafir chiefs, who are found prepared and willing to do this, will each year from the Government receive a present, consisting of a uniform ;

These captains will, moreover, receive a reward from the Government, which will be in proportion to the number of natives who, being too young to work in the mines, through the intermediary of the kafir captain go out to work at the farms as cattle herds, &c.

The Government are authorised to give these rewards on the following scale :—

For each young native who works in this manner for one year, 2s. ; if more than ten natives go out to work in this manner the reward will be increased in such proportion that for from ten to twenty-five natives, 3s., for from twenty-five to fifty natives, 4s., and for fifty or more natives 5s. per head may be paid to the captain who induced such natives to go out and work.

This regulation will come into force on January 1st, 1897.

C.

[R. 2808 97.

Pretoria, 22nd February, 1897.

To the Honourable the State Secretary, Pretoria.

Honourable Sir,—To-day the Chairman of the Commission appointed by the Honourable the First Volksraad, in virtue of Resolution, Art. 46 of February 4th, 1897, for the purpose of making nvestigations as to and to report on our factories for the manufacture of explosives in this country, handed to us a copy of the report of the said Commission.

We have the honour to bring to the knowledge of the Government (and through them of the Honourable the First Volksraad) that some incorrect conclusions appear in the said Report, and we hope that an opportunity will be given us to explain them.

The remarks appearing in this Report, and to which we wish to draw the attention of the Honourable the Volksraad, the gentlemen members of the said Commission, and the Honourable Government, are the following :—

1. Art. 12, page 2 :—Regarding the number of cases of dynamite, &c., which we will be able to manufacture, we are of opinion that we can manufacture more than 200,000 cases, if occasion requires.

2. Art. 2, chapter v., page 4 :—We are of opinion that the calculation of 250,000 cases per year for the years 1898, 1899, and 1900 is too high—in our opinion, this number will only perhaps be reached in the year 1900. In connection with this the amounts as given in par. 4, page v., are also oo high.

3. Art. 10, page 5 :—We are desirous of having an opportunity of showing that the profit of the Company does not "amount to about £2 per case." The real profit is much less—even under 10s. per case—as we will prove, if an opportunity to do so is given to us.

The difference mentioned in Art. 11, page 6, of £752,500, which is brought up to the debit of the State, naturally falls out.

In Art. 14, page 6, we must absolutely contradict the assertion of the Johannesburg Chamber of Mines, that Dynamite No. 1 could locally be delivered at 45*s*. That kind is, moreover, sold by us at 85*s*., and *not* at 98*s*. 6*d*., as is alleged.

We still wish to remark that dynamite, etc., has always been locally sold by us far under the minimum prices which we can charge according to our contract, and this notwithstanding the fact that the prices of materials have been considerably raised during the last few years.

We therefore humbly request that an opportunity be given to us to prove the said facts.

We have the honour to be,
Your obedient servants,
The South African Explosives Company.
(Signed) L. G. VORSTMAN.

D.

Pretoria, 31st August, 1897.

To His Honour the State President and the Honourable Members of the Executive Council, Pretoria.

Honourable Sir and Honourable Gentlemen,

On October 2nd, 1896, we had the honour to communicate to the Government that our factories were completed, and that the Company was in a position to manufacture 80,000 cases of explosives a year.

We, *inter alia*, drew the attention of the Government to the fact that the consumption of explosives in this State since the signing of our contract had considerably increased, and that the demand for such explosives was greater than at the time could be foreseen, and we, therefore, requested the Government kindly to instruct us to build more factories, in order to be able to keep ahead of the consumption of explosives.

In the meantime we were prepared to manufacture the balance required for the consumptio above-mentioned out of material to be bought by the Government, under the same conditions as set forth in our contract, Art. 16.

In reply thereto we were favoured with a letter from the State Secretary, dated October 22, 1896, R. 11216-1895, B.B. 2632-96, as follows :—

"I have the honour to acknowledge the receipt of your letter of October 2, 1896, in which you intimate that the factories of your Company have been completed and that your Company is now in a position to manufacture 80,000 cases per year, and in which you further request, for reasons given, that it may please the Government to instruct you to construct some more factories, which, in case your request is granted, would be completed within the time of 2½ years."

"In reply I have been instructed to state that the Honourable the Executive Council have thought proper to grant your request."

8. "For your information I enclose an extract of the respective resolutions of that honourable body, Art. 893, dated 14th October last."

The extract is as follows :—

"The Executive Council resolve to grant the request of the Company, as contained in their above-mentioned letter, and in accordance therewith and limited to it, to let the stipulations made on the ground of Art. 10 of the respective regulations, remain in force for a renewed period of 2½ (two and a half) years; and, in connection with the above, to allow the stipulations of Art. 16 of their contract of the 24th May, 1894, to remain in force, in order and in so far as necessary to enable the Company to provide in the meantime in a sufficient manner for the requirements of the country."

In connection therewith, Messrs. J. Klimke and L. G. Vorstman, Government agents for the purchase of materials for the manufacture of dynamite, etc., were informed that the Honourable the Executive Council, by Art. 894, of October 14th, 1896, had decided to prolong, until further notice, the respective instructions given to their above-mentioned agents as contained in B.B. 1592/94, dated 14th July, 1894; R. 5455/94.

We now have the honour to communicate to the Government that since receiving the above-mentioned instruction for the further extension of our factories, we have executed that instruction by continuing with all speed the extension of our factories in order to be able to properly meet the requirements of the country, and we have much pleasure in intimating to the Honourable Government that we are now in a position to cover the present wants of the country with our own manufactures.

We, therefore, take the liberty to ask the Honourable Government to consider, if they think it desirable, the withdrawal of the instruction given to their agents for the purchase of material for the manufacture of dynamite, etc., as given in BB. 1592-94, as soon as 370 tons of material which have been ordered by the Government's agent, and which, according to advice received, have been shipped on the 22nd August last, will have been delivered.

We have the honour to be,

Your obedient servants,

The South African Explosives Company.

(Signed) ALBERTO PHILIPP.

"DIGGERS' NEWS" OF OCTOBER 25TH AND 26TH.

THE REPORTS.

TABULATED COMPARISON.

THE WORK OF TWO COMMISSIONS.

The *Gold Fields News* gives the following tabulated comparison of the work of the two Commissions :—

The Industrial Commission recommended :—	The Raad Committee's action thereon :—
Agricultural Department.	No mention of the subject.
Disapproval of the Concessions.	While evading the main contention the Committee re-assert the correctness of the principle of protective duties on home industries.
The improvement of the financial position of white labourers by all measures calculated to reduce the cost of living. Companies to house their men at a reasonable rental, to be computed on expenditure involved.	To allow employes to hold stands against payment of licences. Companies must themselves decide as to erecting dwellings.

Mine accounts to show proportion paid for ordinary white labour as distinguished from directors, managers, etc.	Approved.
Modification of Master and Servant's Law.	Approved.
Necessaries of life to be imported duty free and conveyed to mines as cheaply as possible.	In addition to concessions made in January, 1896, butter, cheese, coffee, rice, sugar, and cattle will be free. Duty increased on liquor, tea, matches, bottles, jams and preserves, sweets, manufactured sugar, pickles, soap, oatseed and chaff. Additional stamp dues.
Encouragement of other industries besides mining where white labour is employed.	Only directly referred to in connection with local factories, which are further protected.
NATIVE LABOUR.	
(A) Communicate with other States.	(A) Approved.
(B) Extra payment to Native Commissioners for certain extra services.	(B) Ignored.
(C) Government compounds along the roads.	Not approved.
(D) Premiums to kafir chiefs.	Government busy in this matter.
Reduction of railway fares to one-third of full rate.	Company have already reduced to one-half ordinary fare.
LIQUOR TRAFFIC.	
(A) Boarding-house licences to be under control of Licensing Board.	Referred to Second Raad, who have been prorogued without considering the matter.
(B) More police and better system.	
(C) Selling drink to natives to be punishable by imprisonment.	
(D) Reduction of number of licences.	
(E) Wholesale and bottle store licences to be considered as usual trade licences.	
(F) Licences to be for the premises instead of an individual.	
(G) Kafir eating-houses not to be allowed.	
(H) No portion of fines to go to police.	
(J) All Excise officers to be under the control of Licensing Boards, who should also have special detectives and inspectors.	Not approved.
Abolition of transit dues.	Principle approved, negotiation with other States suggested.
DYNAMITE.	
(A) Enquiries as to possibility of cancelling Concession.	(A) Reference to the Jameson Raid.
(B) Government to import explosives, dynamite being subject to duty of 20*s.* per case, which would land blasting gelatine in Johannesburg at a cost of 77*s.* 6*d.*, as against 107*s.* 6*d.* per case presently charged.	(B) Mr. Vorstmann's contract prevents this. Reduction of 10*s.* per case suggested, which would reduce blasting gelatine to 97*s.* 6*d.* per case. Owing to reduced railage, this means little or no sacrifice on the part of the Dynamite Company.
RAILWAY RATES.	
(A) An average reduction of 25 per cent., equal to £500,000 on 1896 traffic.	(A) To reduce profits by £200,000 on basis of 1896 returns, but no mention of any percentage reduction, which, in event of big shortfall in traffic, might result in a raising rather than a lowering of rates.
(B) Negotiations with neighbouring States.	Approved.
(C) South Rand Coal line.	Approved.

(D) Abolition of petty charges.	Can only be done slowly, while these charges are said to be small in amount.
Industrial Board of Government nominees and representatives of mining and commerce to supervise administration of Liquor Law, Pass Law, and Gold Thefts Law, and to advise Government as to native and other questions affecting mines, and to take control of special detective force.	Refused, but suggested that special detectives shall be appointed by Government under "a trust-worthy and competent person."
Cement to be free of special duty.	Declined.
Machine brickmaking concession to be cancelled.	Declined.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received February 25, 1898.)

Government House, Cape Town,
February 9, 1898.

SIR,

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the position of the Gold Mining Industry during the year 1897.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 3.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
January 22, 1898.

SIR,

I HAVE the honour to enclose copy of the speech delivered by the President of the Chamber of Mines at the annual general meeting of that body on the 20th instant, reviewing the position of the Gold Mining Industry during the year 1897.

The principal points touched upon in the speech are briefly as follows :—

Output.—This is now one-fifth of the world's production, or 3,034,678 ounces valued at £10,583,616.

Dividends and costs.—The total amount distributed in dividends by the Companies contributing to the output was £2,713,580 in 1897, or 25·64 *per cent.* of the total output, equal to 10 shillings and 2·3 pence per ton milled. Deducting the dividends from the total yield, the cost of production worked out at 29 shillings and 6·7 pence per ton milled, or a reduction of two shillings a ton on the cost of production in 1896. This reduction is said to be wholly due to the initiative of the mining companies in economising their working expenses.

Native labour.—The supply falls far short of the demand. Comparatively few Transvaal natives are employed, the majority being drawn from the neighbouring States or Colonies. New sources of supply will have to be opened up, and the idea of a huge native location near the gold fields, where natives may live with their families, and not, as now, go home as soon as they have learnt their business and become useful, is advocated.

Liquor question.—From 20 to 30 *per cent.* of the native labourers are constantly incapacitated from drink. This causes great loss, as 20 to 30 *per cent.* more men have to be kept than are required to compensate for the deficiencies caused by the liquor. Never at any time has the illicit liquor trade been so flourishing as now ; the good intentions of the Liquor law are being absolutely nullified by its bad administration.

Pass laws.—The law is good in itself, but again is inefficient, owing to faulty application, desertion, fraudulent obtaining of passes, incompetence of pass officials, and expense of fees levied for passports ; all contribute to the high cost of native labour. The new regulations recently passed for the importation of labourers from the Portuguese

possessions and the East Coast have shattered the hopes of the Companies, and it is doubtful whether any benefit will accrue from them. A reduction in the rate of native wages was adopted in April last, and to this reduction may be attributed, in a large measure, the diminution in the working costs of 1897.

Gold thefts.—This traffic has assumed vast proportions, but only a few unimportant convictions are secured, none of the big criminals being brought to justice. This is a most glaring instance of the inability of the authorities to carry out the law. Not only are the criminals left undisturbed, but every facility seems to be given them to dispose of their ill-gotten goods.

Dynamite.—After reviewing the history of this question, with which everyone is familiar, the speech sums up the situation thus :—During the past year this dynamite business has been officially twice before the Executive, and has been investigated or reported upon by four different official Committees. At the rate at which matters are going on the Concession will expire before the last Committee has reported on the investigations made by those which have preceded it.

Railway.—The Industrial Commission recommended a reduction equivalent to a saving of half a million sterling a year to the industry. This was subsequently cut down by the Volksraad Committee to £200,000. The Netherlands South Africa Railway Company have made a reduced tariff for certain goods, but a great deal of what they have given in one way is taken back in another. The reduction is ridiculously small and totally inadequate. The Chamber has constantly advocated the expropriation of the railway, its present position *vis-à-vis* of the State being an absolute anomaly. The other railway administrations of South Africa are also not free from blame, but the Netherlands South Africa Railway is the chief sinner, since by reducing its tariffs it can force the others to follow its example.

Fusion of Mining Chambers.—This is a matter of congratulation, and enables the representations of the industry, which are now made in its name as a whole, to carry more weight.

The Industrial Commission.—This Commission, which consisted of State officials, after commending the administration of the mining industry, recommended that the Government should co-operate with the latter, and devise means to make it possible for low-grade mines to work at a profit, and generally to lighten the burdens of the industry. Instead of seeing this progressive policy adopted, and reforms granted, the industry has obtained nothing worth mentioning. Year by year the position has been made clear to the authorities by the Chamber, but matters are no further advanced than if no complaints had been lodged, no State Commission appointed, and no report made.

Taxation and expenditure.—This should have been included in the scope of the Commission's inquiry. It is unnatural that a State whose white population consists, according to official statistics, of 250,000 people, should have an annual expenditure of from four to five millions sterling, more especially when the newer population has to pay nearly the whole of it. If the Government would reduce the State expenditure, and distribute the necessary taxation more evenly between the new and the old population, the main cause of the set-back in the development of the country would disappear.

Local Board.—It had been hoped that, seeing how inefficiently the local laws are carried out, and how necessary it is that they should be administered by men familiar with the subject, the burghers would have appreciated their inability to grasp fully the most difficult problems that a young nation has to deal with, and would have seen the advisability of calling in the help of men of experience in order to secure the welfare both of State and industry. Unfortunately these hopes have not been realized, and the Board appears to be absolutely doomed.

Co-operation with Government.—It is the earnest desire of the Mining Chamber to convince the Government of the desire of the industry to work harmoniously for the common good. So little response has, however, been made to these advances, that a huge memorial, sent to the Volksraad at the beginning of last session, and signed by 10,000 inhabitants of every nationality and belonging to every profession, was not even taken into consideration, owing to a mere trivial technicality. This has caused a painful impression, and made the Chamber come reluctantly to the conclusion that the industry not only does not enjoy the solicitude it deserves from the Government, but is rather met in an antagonistic spirit.

Conclusion.—If more discrimination had been shown by the public, more study given to the subject, and a less gambling spirit introduced, the extraordinarily different estimation placed on the mines of the Republic during the last few years would not have

been witnessed. Considering that the industry has been in existence for only about 11 years, great progress has been made, in spite of an antagonistic Government; and remembering all the difficulties that have to be contended with, it is impossible to arrive at any other conclusion than that the gold fields of the Rand and their industry are marvellous indeed.

The newspapers call attention to the fact that the above speech was delivered by Monsieur Rouliot, a Frenchman, seconded by Mr. Scholtz, an Africander, and adopted after some remarks by Herr Brakhan, a German.

I have, etc.,
CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

"*Star*," *January* 20, 1898.

POSITION OF INDUSTRY.

CHAMBER OF MINES.

ANNUAL MEETING—TO-DAY.

THE YEAR'S RECORD.

THE annual meeting of the Chamber of Mines was held this afternoon in the Council Chamber, at the conclusion of the business of the monthly meeting. Mr. George Rouliot, President of the Chamber, occupied the chair, and there was a large attendance. The annual report (a summary of which appeared in Saturday's *Star*) and statement of accounts were taken as read.

"THE PRESIDENT'S REVIEW.

The President said:—Gentlemen,—In moving the adoption of the annual report and accounts, I shall ask you to lend me your attention for a few moments whilst I briefly review the principal events of the past year, a year which has proved so interesting to us and to all those interested in our mining industry. First, let us consider the output. The progress realised by the industry and the addition of new producers have made us reach the magnificent figure of 3,034,678 ozs., representing a value of £10,583,616. As the total gold production of the world for 1897 is roughly estimated to be 12,000,000 ounces, or about £48,000,000, you will see that our output is rather more than

ONE-FIFTH OF THE WORLD'S PRODUCTION.

and will place this country as one of the first amongst the gold producers, more especially as this figure represents only the output of companies until now declaring through the Chamber, principally from the Witwatersrand and Heidelberg districts, but does not include the returns from districts such as Lydenburg and Barberton. The increase over the production of the preceding year is the largest that has yet been recorded, amounting to 753,785 ounces, having a value of £2,719,275. Of this total increase the mills contributed 64 per cent., the treatment of tailings 34 per cent., and the concentrates 2 per cent. If we compare the returns obtained from mills and cyanide treatment in 1897 with those of 1896, we find that the increases for 1897 are as follows:—The mills have crushed 32·7 per cent. more, and the value of gold recovered shows an increase of 32·4 per cent. The cyanide works have treated 35 per cent. more sands, and the value recovered has been augmented by 45·1 per cent., which evidently shows a great improvement in the method of treatment. For the concentrates, the tonnage treated being mostly estimated, the increase cannot be accurately given, but the value of gold returned has improved by 17·6 per cent. Altogether, the gold recovered in 1897 shows an increase of 34·6 per cent. over the returns of 1896. This remarkable improvement is due to several causes: firstly, more companies have been producing during the year; secondly, great progress has been made in the methods of treatment; and thirdly, the grade of ore crushed has been somewhat raised. During 1897 the average number of companies milling per month was 51, with an average total of 3,567 stamps, against in 1896 an average number of companies milling amounting to 42, with a total number of 2,949 stamps, or on an average throughout the year, 618 more stamps were running monthly than in 1896. The tonnage crushed during the year just passed amounted to 5,325,355, showing an increase of 1,313,658 tons over 1896. Altogether 69 companies contributed to the output in 1897, against 59 in 1896,

The efficiency of the different methods of treatment has also been increased. The duty per stamp per diem in 1897 has been 4·6 tons against 4·4 tons in 1896. As you will have already remarked, the returns from cyanide treatment of sands show a considerable improvement, and point to a much better extraction. A satisfactory point to be noticed in connection with the total output is that the yield declared as coming from outside sources has decreased from £30,154 in 1896 to £9,525 in 1897. A remarkable fact is that, in spite of the increased tonnage treated, the

YIELD FROM ALL SOURCES.

per ton milled has not decreased, but rather increased. In 1896 it was 11·371 dwts., equal to 39*s.* 2·5*d.* per ton, and for 1897 it amounted to 11·397 dwts., or 39*s.* 9*d.* per ton. If we exclude returns for which no tonnage crushed is given, the total yield shows 39*s.* 7·2*d.* per ton milled. This shows conclusively that there is no falling-off to be expected in the grade of ore treated by the mines now producing. I admit that I should like to see returned a much lower yield, which would mean that through decrease in the cost of production lower grade mines are able to work at a profit and would then be swelling the list of producers. An analysis of the tables of output will reveal the importance as a producing factor of the coming into the production stage of the deep level mines. A great part of the increased output recorded is due to the starting of deep level mills; most of them came into operation only towards the end of the year, and still, leaving the Bonanza out, five deep level mines have contributed 6·4 per cent. of the total output for the year. In December, four deep level companies contributed 12·6 per cent. of the output. You know that many deep level mines have now nearly finished their equipment, and will gradually drop their stamps during the coming year; we can therefore, on that account, expect a large increase in the production of gold. Another source of revenue for the future is the coming into operation of the slimes treatment. The problem is now solved; evidently improvements will be discovered, but henceforth most of the companies will treat their slimes, bringing an additional recovery and a corresponding revenue. Few slimes plants have been at work during the past year, but a great many are now being erected and on the point of starting. In future an additional column will be reserved in the tables of output for the declaration of gold from that source. The Chamber having widened the scope of its operations, it has been deemed advisable to try to return in future the gold production for the whole of the State, instead of the production of this district only. Many companies working in other parts of the Transvaal have signified their willingness to declare their production through the Chamber, and the declaration of output on this new basis will be made for the first time at the expiration of the present month. The returns which I have just analysed must prove eminently satisfactory to you. You notice what progress has been made in spite of all difficulties. Now, if you bear in mind the quantity of low grade stuff (principally Main Reef) we have in our mines; if you remember that we have here miles of a low grade series which cannot be worked under present circumstances, you will realise what our total output could be, and what rank we could occupy amongst the world's gold producers, if the Government and the Legislature would enable us to lower the costs of working so much that we could turn to account those riches at present unproductive. One of the most satisfactory features noticeable during the last year is the reduction effected in the working costs. All those concerned in the administration and exploitation of the mines have been unremitting in their efforts in this direction. By improvements in methods of treatment, by the united action taken with regard to the reduction of native wages, and generally by the keen competition between companies as to figures of costs, more effective work has been done and a sensible reduction effected.

DIVIDENDS AND COSTS.

The total amount distributed in dividends by the companies contributing to the output is £2,713,580 for 1897, or 25·64 per cent. of the total output, equal to 10*s.* 2·3*d.* per ton milled. To arrive at the working costs I deduct the dividends from the total yield, and the balance is considered to be the cost of production. This is a severe way of calculating, especially when applied to the past year, for we know that many companies, and especially deep level mines, have realised profits which they utilised to complete their equipment or to repay their debts. Still, as we have always adopted that mode of calculation, I shall not depart from it. By this process we find that in 1896 the cost of production worked out at 31*s.* 6·9*d.* per ton, and that in 1897 it has come down to 29*s.* 6·7*d.* per ton milled, or a reduction of fully 2*s.* per ton. This improvement is solely due to the initiative of mining companies, which in spite of all difficulties have been able to thus reduce their working costs. Although the reduction works out at 2*s.* per ton for the whole of the year as a matter of fact it must be greater now, for it is especially

during the latter part of the year that the most important decreases have been effected, and it would be even more marked had we been encouraged and helped by the Government and the Legislature. The native labour question is one of the most complex and most important ones we have to deal with. As you are aware, an independent association, supported by nearly all the companies, has been formed under the name of the Native Labour Association, and its Board is composed of members of this Chamber and mine managers. The institution has been fairly successful in its efforts to import labour, but still it must be admitted that the supply falls far short of the demand. Owing to the rapid development of this industry and the opening up and starting of new mines, the demand for native labour has largely increased; instead of having 30,000 to 40,000 natives employed here, as we had a few years ago, we now require 80,000 to 100,000. At first sight it would appear that the Transvaal, with its large native population, should be able to supply the bulk of our requirements, but this is far from being the case; we have comparatively few Transvaal natives employed here, the majority of our labourers being drawn from neighbouring states or colonies, and still it is only with extreme difficulty that we can obtain from all the South African States anything like the quantity we require. It is therefore apparent that new sources of supply will have to be opened up, and it is especially in that direction that we shall require the help of the authorities in facilitating the importation of natives. One of the greatest difficulties we experience in employing natives whose kraals are comparatively near is that the boy arrives here absolutely ignorant; after a few months' training, when he begins to know his work and becomes of some use, he has saved sufficient money to enable him to go back to his home and live in idleness for some time. I therefore consider that one of our chief aims should be to get a class of labour that stays, and in that direction I should consider it a distinct advantage if we had been allowed to establish at a short distance from here some huge location where the natives could live with their families, but having no other means of earning their livelihood except by working in the mines, they would have ensured a supply of skilled labour constantly available. I know that such an idea is not favourably considered in many well-authorised quarters, but still it appears to me to tend to solve to a great extent this labour question, and, at any rate, I think the Government might allow the experiment to be made. One of the main reasons for the

SHORTNESS OF LABOUR,

in spite of the number of natives living here, is the liquor curse. Although our supply of natives is not over plentiful, still we would not feel the pressure so much if all our natives were in a fit state to work. It is estimated that 20 to 30 per cent. of our labourers are constantly incapacitated through drunkenness, and a great many of the accidents occurring in the mines are due to the same cause. You may reckon what extraordinary expenditure this entails when you consider that the companies have to keep, house, and feed 20 to 30 per cent. more men than what they require in order to compensate for the deficiencies in the working staff caused by the liquor poison. What could be done has been clearly demonstrated when on certain occasions no drink was supplied to natives, and we have been able to do better and far more effective work with a less number of boys. The Legislature of the country has tried to help us in passing laws prohibiting the sale of liquor to natives, and in case of contravention inflicting severe punishments; but these good intentions have been absolutely nullified by the bad administration of the law. It is generally admitted that never at any time has the illicit liquor selling been so flourishing, and it is notorious that powerful combinations have been formed to carry on that trade, and through the inability of those responsible to carry out the administration of the law, for whatever reason it may be, they appear to be highly successful, as the state of our compounds testifies. The matter is now in the hands of the State Attorney, who is devising means to check this criminal commerce, and we sincerely trust he may be successful in improving the present state of affairs. Amongst the laws affecting labour, one of the most important is

THE PASS LAW.

This is also a good law in itself, but is becoming an evil through inefficient application. Innumerable complaints have been made and facts given to the Industrial Commission, and it is known to all of you that the law is easily defeated by natives deserting, going a few miles to another district, and obtaining for a few shillings a new travelling pass, which enables them to come back again to these fields as new arrivals. A large traffic is done in these passes fraudently obtained, and the matter has lately been laid before the State Attorney. It is absolutely imperative that the law should be better applied. As you are all aware, at the present moment the companies spend very large amounts of money in

importing labour; when here the natives desert in great numbers, and only in very few cases have the deserters been brought back to their employers. One of the main reasons for the inefficiency of the law is the inadequacy of the staff employed for this task. The registration and supervision of such a large number of men entails a very large amount of work; the law is very complicated, and considering the revenue which the Government derives from its application, I think that a much larger portion of this revenue could be devoted to its supervision. A large proportion of our natives is derived from the Portuguese possessions on the East Coast. The cost of bringing these natives here has always been very high owing to the passport fees levied by the Portuguese authorities and the high railway tariff. For a long time past both the Chamber and the Native Labour Association have approached the Portuguese authorities with a view to get them to diminish the passport fee, and have asked the Transvaal Government to use its influence to the same effect. Towards the end of the year Portuguese and Transvaal regulations regarding the importation of labour from the East Coast have been published, containing certain reductions on the passport fee. We had been led to believe that these regulations would give us satisfaction, but their publication has rather shattered our hopes, and it is still doubtful whether any benefit will accrue to us. These regulations are extremely complicated, and to try to enforce them on top of the present Pass Law, which has so far given so little satisfaction, seems to me an extremely difficult task. However, as they are not likely to come into force for some time yet, there is hope to have them modified before that time, and to bring them into a workable form. A reduction in the wages paid to natives was already effected towards the end of 1896, and in April, 1897, a further reduction was considered advisable. A joint meeting of the different associations adopted later a new schedule of wages, which showed an all-round reduction of 30 per cent. on the previous one. Only very few companies stood out of the arrangement, and I cannot too strongly impress upon them the necessity of following the course adopted by the others. As far as I know, the new scale has been faithfully adhered to by those that adopted it, and to satisfy ourselves that it is so we have appointed an inspector, who will periodically inspect the native pay-sheets of companies. To this reduction must be attributed in a large measure the diminution in the working costs noticeable last year. One of the great losses suffered by this industry is caused by

GOLD THEFTS.

I could not state with any degree of accuracy the amount of gold that is thus diverted into improper channels, but we all know that it is very large, and it is strange that, considering the vast dimensions of this traffic, only a few unimportant convictions take place; none of the big criminals are brought to justice; only in one instance have we seen two large dealers caught, and that was due to the initiative of a mining company. You are familiar with the result, which you must admit is discouraging. This is a most glaring instance of the inability of the authorities to carry out the law. Not only are the criminals left undisturbed, but every facility seems to be given to them to dispose of their ill-obtained goods. In the last Extradition Treaty made with Natal, offences under the Gold Law are not mentioned. The Chamber has asked the Transvaal Government to approach the neighbouring Governments with a view to secure legislation concerning gold thefts, and the only reply which we have lately received was that the matter was receiving attention. Now let us turn to this

VEXED QUESTION OF DYNAMITE.

You will remember that at the beginning of the year a Committee of the Volksraad examined the affairs of the dynamite monopoly, and reported that the Dynamite Company had failed to carry out its contract with the Government, and estimating the profit made on imported dynamite at £2 per case. This report was adopted by the Volksraad. Our hopes rose when the Industrial Commission of Inquiry published its report. This Commission confirmed what had been already said by the Volksraad Committee, and stated that:—'Seeing that the excess charge of 40*s.* to 45*s.* per case does not benefit the State, but serves to enrich individuals, for the most part resident in Europe, the injustice of such a tax on the staple industry becomes more apparent and demands immediate removal.' It further stated:—'The desirability of establishing industries of all kinds within this Republic cannot for a moment be doubted, but when it is proposed to establish an artificial industry, whose only chance of success lies in the extent to which it may be allowed to unduly profit from, instead of benefiting, a natural and more important enterprise, the economic fallacy of the proposition becomes sufficiently clear to need little further demonstration.' The Commission therefore recommended that the matter be placed in the hands of the legal advisers of the State, in order to ascertain whether the contract can be cancelled,

and meanwhile that the Government avails itself of its rights by allowing importation under permits subject to a maximum duty of 20*s.* per case. These are, gentlemen, the findings and recommendations of a Commission appointed by the Government and composed of trusted servants of the State. But the ray of hope raised by the publication of this report was doomed to be soon extinguished. After some delay, the report was laid before the Raad, a Committee was appointed to examine it, and presented a new report, which entirely superseded that of the Commission. In this new document only a paltry reduction of 10s. per case was advocated, the State contributing half of it by surrendering the 5*s.* per case to which it is entitled under the contract. So that in spite of the huge profits stated to be made by the Dynamite Company in the official documents submitted to the Raad, the monopolists were asked to forego only a trifling amount, whilst the State was asked to give up all that it receives under the present contract. However, this recommendation was not adopted, but the matter referred back again to the Government, with instructions to institute a new inquiry into the affairs of the Dynamite Company, with a view to ascertain what steps should be taken to provide the mines with

CHEAPER DYNAMITE.

A new Commission has been appointed and is now proceeding with the work. Still, if the Government had been sincere in its avowed desire to help the mines, and especially considering that some doubt has been expressed officially of the correctness of the price at which dynamite can be imported, as quoted by the Commission of Inquiry, permission could have been granted to those companies which applied for the issue of permits to import, in order to test the veracity of their assertions. This refusal appears so much more extraordinary when we see at the same time that the company which has the monopoly for the supply of dynamite in Swaziland is offering to deliver at 55*s.* in Swaziland the stuff for which we pay 85*s.* It is needless for me to recite all the intrigues that took place concerning this dynamite business ; how only high quotations were obtained in Europe by the Government agents who had been commissioned to see how cheaply it could be bought ; how it had been tried to frighten us with the bogey of a ring being formed with American manufacturers, etc. Firm offers to supply dynamite in any quantity at prices about 50 per cent below those charged by the monopolists have been made by various responsible parties to the Government ; we have before us a letter from a powerful American factory denying that they have joined any ring ; you can therefore judge of the truth of all the statements that have been made by or on behalf of the monopolists. Moreover, the Government cannot be so much in the dark as to the actual cost at which dynamite can be landed here as it pretends to be. If we refer to the Customs Law of 1894, which was framed upon the advice of experts, at a time when dynamite importation was allowed under permits, we find it distinctly stated that for Customs clearing purposes, the value of dynamite and gelignite is taken at £60 per ton, that of blasting gelatine at £80 per ton. The addition of 20 per cent. to this value is not required. Thus, at that time, after having carefully inquired into it, the Government had estimated the cost of dynamite brought into this country to be 30*s.* per case of dynamite or gelignite, and 40*s.* per case of blasting gelatine. To-day the monopolist company, through

A CLEVERLY-WORDED CIRCULAR,

tries to justify its position and its policy, and wants to throw dust in the eyes of people not fully conversant with the question. They want to make out that, when, in 1893, the Chamber made to the Government the proposal to erect a factory under Government control, giving the Government 50 per cent. of the profits (which offer, by the way, has not yet been acknowledged), it was satisfied that the establishment of such a local industry would be beneficial to the State. The whole industry, represented by the Chamber, has at all times been convinced of the fallacy of the establishment of artificial industries, but as it was a strong desire on the part of the Government, it wanted to have a say in the matter which mostly concerned it, in order to minimise the evil. The monopolists may say what they like, and by cleverly-worded documents try to obscure the issues ; they will never get over the fact that they themselves offered to supply us down to 40*s.* in bond, before they became monopolists; that it has been officially stated that a profit of at least 40*s.* per case is made on imported dynamite, and that on an annual consumption of 200,000 cases they take unduly out of the industry a sum of at least £400,000, without almost any benefit to the State, and which by all right ought to belong to the shareholders of the mining companies. Fortunately for the monopolists they have found a powerful ally in the person of the State President. It will still be present to your mind how he fought their battle in the Raad, and how, at his recent meetings in the country, he presented the

case for this corner stone of the independence of the country. I, for one, fail to see how a factory depending mainly on the importation of already manufactured material, and even assuming that it can manufacture locally, has to import all the ingredients—can be considered as a corner stone of independence. However, during his recent electoral tour, the State President is reported to have said that he wants his dynamite factory to supply cheaper dynamite to his mines, and that he holds cards up his sleeves which would enable him to attain this object. This being so, it is to be regretted that the State President does not make use of his cards and put an end to this comedy of investigation by committees and commissions. During the past year this dynamite business has been officially twice before the Executive, and has been investigated or reported upon by four different official committees. At the rate it is going on, I am afraid that the concession will expire before the last Committee has reported on the investigations made by those that have preceded it. Now let us pass to

RAILWAY MATTERS.

The report issued in April last by the Committee of the Chamber shows clearly the exorbitant rates that we have to pay to the different railway administrations, and more particularly to the Netherlands Railway. The Industrial Commission, after a thorough investigation, recommended a reduction of the tariffs equal to a 25 per cent. average reduction on the goods rates charged in 1896, it being estimated that this would correspond to a saving of £500,000 to the industry. In the report of the Volksraad Committee, which superseded that of the Commission, the figure was cut down to £200,000, and it was understood that the railway administration was agreeable to this, provided that the question of expropriation would not be introduced. The Volksraad adopted the recommendations of its Committee, but at the same time instructed the Government to submit at the next session an estimate of the cost of taking over the railway. It therefore appears that the railway administration does not consider itself bound in any way, but still it must have felt that some concession ought to be made, and from the first of the year a lower tariff for certain classes of goods has come into force. Only a great deal of what they have given in one way is taken back in another, through fixing of minimum loads, alterations in the classification of goods, &c. Still, on the whole the mining companies will obtain a certain saving, especially on the carriage of coal ; but, considering the enormous profit realised by the railway administration and the high tariff still charged, we may say that such a reduction is ridiculously small and totally inadequate. The Chamber has constantly advocated the expropriation of the railway system, and it is to be hoped that when the matter is considered by the Raad, our wishes may be realised. Railways, especially in a country like this, ought to be a means of penetration, of opening up the country and developing its resources, and not merely a machine to extract millions out of the inhabitants. We witness, besides this curious anomaly of a railway company of which the State is by far the largest shareholder, and to which it guarantees a high percentage of interest as well as the repayment of the debenture debt, and still the head of the Administration is thousands of miles away from the place of exploitation ; the State, the largest shareholder, is not represented on the Board of Directors, and has practically no voice and no control over the running of the concern. Nor are the other railway administrations of South Africa free from blame ; they apparently consider that the carriage of goods to the Transvaal is one of the clearest sources of their revenue, and owing to the high tariff they charge us they are able to decrease their rates for the transport of their own products. The Netherlands Railway have the key of the position in their hands ; by reducing their tariffs they can force the others to follow their example, but unfortunately, so far, they appear to be the principal sinners, and it is mostly due to them that we have to pay the present exorbitant charges. The disappointment that we all experienced at seeing no attention paid to our requests, and no redress granted to our grievances, has at least had a beneficial effect. It has demonstrated to us the absolute necessity of working in harmony and presenting a united front in fighting the industry's battles.

FUSION OF THE CHAMBERS.

Owing to some divergence of opinion amongst members of the previous Chamber, a split had taken place, and a second institution had been created. This, unfortunately, played to a certain extent into the hands of our antagonists, who were able to say that we were not united, and did not agree in our demands for redress. The events of the past year have opened the eyes of all, and although the two institutions had worked in harmony and on parallel lines, it was recognised that, as we were fighting the same battles in the same interest, the time had come to cause the apparent disunion to cease. The executive

committees of the two bodies met in the fairest spirit, and after modification of the constitution, rendering it more suitable to the exigencies of the case, have been able to present to you a scheme of fusion, which you have unanimously ratified. It is a matter of congratulation to all those who have the interest of the industry at heart that this should have been done. Now this industry is more united than it has ever been ; it is represented by only one body ; any cause of weakness which the apparent discordance in our views might have created has disappeared, and henceforth our representations, being made in the name of the whole industry, will carry more weight and have more chance of being successful. I shall now refer to the

INDUSTRIAL COMMISSION OF INQUIRY.

I do not propose to go in detail over its work ; the evidence given and the facts elicited are familiar to you ; the record of its labours forms the most interesting book that has ever been published concerning this industry, and gives the complete history of the progress and development of these fields. It will be sufficient for me to relate that early in 1897 the Government appointed of its own accord a Commission to inquire into the state of affairs in connection with the mining industry, to furnish a report regarding matters that have hindered or may hinder its development, and to make such recommendations as may tend to improvement and amendment of such matters. The Commission consisted of trusted State officials as ordinary members, and some Johannesburg citizens were added as advisory members. I may here say that the thanks of this community and of all those interested in the mines are due to these gentlemen for the trouble they have taken in the matter, the patient way they listened to all the testimonies that were produced, and the clear and lucid manner in which they expressed their findings and their recommendations. I shall not go again over that ground, as you are well acquainted with it, but shall simply state that when the Report was published, although it did not perhaps cover as much as we might have wished, still we hailed it with satisfaction, as it met in a large measure all that we asked. Remembering the terms of the Government minute appointing the Commission, we felt that we had good reason to hope that relief was near, as its recommendations were bound to be adopted ; but we were soon doomed to disappointment. This Report was referred to a Committee of the Volksraad, which practically annulled all the recommendations of the Commission, and substituted in place of the Commission's Report one of its own, which recommended only insignificant reductions. Instead of the broad State policy advocated by the Commission, which would have meant the development of large sections of the country, opening up of low grade mines unable to pay under present conditions, expansion of trade, and generally prosperity to the whole population of this country—a policy of restriction was recommended, which, I regret to say, found favour with our legislators. At the time of the appointment of the Commission it was stated that the wording of the resolution appointing the Commission was not sincere, that it was not done with the object of finding out what hampered the industry and suggesting remedies, but to saddle others with the responsibility, and make it appear that in everything the industry itself was to blame. This is to a certain extent borne out by the statement made by the State President in the First Volksraad, when the Commission's Report was first laid before that body. He then stated that the Commission had been appointed on account of complaints received from Europe, and especially as it was said that the mines themselves were to blame. If such was the case, the evidence submitted has been so overwhelming, the facts came out so clearly, that those wishes could not be fulfilled ; the cause of depression from which we suffered was brought home to where it should, and blame laid at the proper door.

LISTEN TO THE FINDINGS

of these burghers selected by the Government themselves to conduct the inquiry ; they say : 'For various reasons some mines have temporarily ceased operations. The cause of so many mines not paying dividends is principally ascribed to the high rate of production. There are various other causes that have contributed to the existing condition of things, but though mistakes have been made in the past, your Commission are pleased to state that at present there exist all the indications of an honest administration, and the State as well as the mining industry must be congratulated upon the fact that most of the mines are controlled and directed by financial men, who devote their time, energy and knowledge to the mining industry, and who have not only introduced the most up-to-date machinery and mining appliances, but also the greatest perfection of method and process known to science. But for these, a good many of the mines now producing gold would not have reached that stage.' And later they add : 'It is the duty of the Government to

co-operate with the mining industry, and to devise means in order to make it possible for lower grade mines to work at a profit and generally to lighten the burdens of the mining industry.' These, gentlemen, are the findings, not of citizens of Johannesburg interested in the mines, but of burghers of this State, concerned only in the advancement and welfare of their country, and comprising a member of the Government, Ministers, and highly trusted officials. You know equally well their recommendations and the fate they met. Instead of seeing this progressive policy adopted, and the reforms granted, we have witnessed rather a set-back, and as far as reforms are concerned, we have

OBTAINED ABSOLUTELY NOTHING

worth mentioning, the only small concession obtained being made apparently purely voluntarily by the railway company. It has been said during the inquiry that if our complaints had been made known previously they would have been investigated and relief afforded sooner. The letter addressed by the Chamber to the Commission has shown how persistently, year by year, the position has been made clear to the authorities, and how our requests have been ignored. It has been a matter of satisfaction to us to see most of the recommendations made by the Chamber adopted in principle by the Government Commission, although as a tangible result we are no further advanced than if no complaints had been lodged, no Commission appointed, and no report made. Of course, whatever happens or the Government does, the work of this Commission will not be entirely lost, for it will have educated the world as to what takes place here, and it will for ever remain on record that an official Commission has found that good honest work is being done here and that we have to contend against artificial difficulties that might be removed if the Government would extend to the industry more of its solicitude. We have always contended that to make the inquiry complete the scope of the Commission's work should have been widened, and it ought to have gone to the root of the question—that of taxation and State expenditure. A country cannot evidently exist without revenue, but this revenue must be based only on what is actually required, and not provide for unnecessary heavy expenditure ; furthermore, the taxation through which it is obtained must be fair and evenly distributed. It is unnatural that a State whose white population consists, according to official statistics, of 250,000 people, out of which the old population contributes only about 75,000, should have an annual expenditure of four to five millions, more especially if we bear in mind that it is the newer population which has to pay nearly the whole of it. If the Commission could have investigated this, and been able to suggest reductions in the State expenditure so as to bring it more on a par with that of the other civilized countries, distributing the necessary taxation more evenly between the new and the old population, and if the Government had acted on these suggestions, the main cause of the set-back in the development of the country would have disappeared. One of the recommendations of the Commission to which we attach immense importance is that of the creation of a Local Board. It has not been dealt with by the Raad, but judging from what one hears and from what has been said by the State President at his recent electoral meetings, it appears to be absolutely doomed. We can only regret this, as from the statements that have been already made, you can see how inefficiently the local laws are carried out, and how necessary it would be to have the administration of them placed in the hands of men familiar with the subject, and able to see that they are thoroughly applied It is all nonsense to say that the creation of such a Board would be making a Government within a Government that would endanger the independence of the State, and I cannot think that those who made the statement seriously believe it. When we made this suggestion we thought that those fine words, 'forgive and forget, holding out the hand of friendship,' were not mere empty words, but had a significance ; we hoped that the burghers would have realised that, however willing they might be, their experience was not old enough, and their primary education not quite sufficient yet, to enable them to grasp fully the most difficult problems that a young nation has had to deal with, and we trusted that they would have recognised the advisability of calling to their help men who would have been able to give them the benefit of their experience, and to help them to secure the welfare of both the State and the industry. Unfortunately, we have been deceived in our hopes, and it is to be regretted for the sake of the mines and of the country.

A DUTY TO SHAREHOLDERS.

To us here who represent large European capital invested in these mines, it is a duty to protect the interests of those who have followed us and participated in the development of this place. We have no wish to interfere with the conduct of general affairs of this

country, but, in justice to those whom we represent, we are bound to raise our voice when we see their interests imperilled. It is our earnest desire to convince the rulers of this Republic of our wish to work harmoniously for the common good, and to make them understand that the more the interests which are entrusted to our care prosper, the more the country will flourish. Our interests are identical; the immediate future of this country is bound up with that of the main industry; and it is to be regretted that instead of having peace and harmony, we notice only signs of mistrust. I am sorry to see so little response made to our advances, and to see how consistently our complaints and requests are ignored. As an illustration of this, you can remember how the huge memorial sent from here to the Volksraad at the beginning of the session was treated. It set forth all our complaints, specified the relief we asked for, and was signed by nearly 10,000 inhabitants of every nationality and belonging to every profession. Still, on account of a mere trivial technicality, it was not even taken into consideration. This has caused a painful impression, and made us reluctantly come to the conclusion that the industry not only is not enjoying from the Government that solicitude which it deserves, but is met rather in an antagonistic spirit, in spite of the often-repeated statements that it is worthy of all consideration. Before concluding, I think I cannot let pass unnoticed the various and at times severe criticisms to which our industry has been subjected, nor the doubts that have been expressed as to the continuity of the returns now obtained. After

THE FEVER OF SPECULATION

that seized the world some two years ago, a set-back was inevitable, and it was to be expected that after the indiscriminate enthusiasm, an equally indiscriminate odium would follow and include the whole industry. It is natural, unfortunately, that when new fields like these are revealed to the old world, some wildcat ventures are foisted upon the public on the strength and reputation of sound propositions; but, if more discrimination had been exercised, more study given to the subject, and a less gambling spirit introduced, we should not have witnessed these extraordinarily different estimations placed upon our mines during these last years. I am certain that nowhere in the world is more information given than here concerning mining operations, values of ore, and details of work performed by companies. The magnificent output declared for 1897, the steady progress made year by year, must convince anyone of the stability of our industry for the present, and the opinions of the eminent engineers who have visited these fields, and which have been so frequently quoted, must bring the same conviction as to the future. No one can fail to be impressed with the magnitude of this industry if it is considered that it has been in existence only about eleven years; and if you follow year by year the immense progress that has been made in every direction, in spite of an antagonistic Government, and remembering all the difficulties that have had to be contended with, you will come to the conclusion that these fields and this industry are marvellous indeed. It only remains for me to thank you for the support you have given to your Executive Committee, and to thank all officials of the Chamber for their zeal and assiduity. I now beg formally to move the adoption of the report and annual accounts (loud applause).

The motion for the adoption of the report and accounts was seconded by Mr. Scholtz and adopted, after a few remarks from Mr. Brakhan.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 1, 1898.)

SIR, Government House, Cape Town, June 15, 1898.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent on the subject of the proposed Advisory Board for the Rand Goldfields.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 4.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, June 6, 1898.

ON the 3rd instant, two Memorials were presented to the Second Volksraad, from the Johannesburg Chamber of Mines and the Chamber of Commerce, praying

that an Advisory Board be established on the Goldfields, so that illicit gold-buying, ilicit liquor-dealing, and evasions of the Pass Law might be better regulated, such Board to consist of persons nominated by the Government.

The composition of this Board is somewhat different from that of the original Advisory Board proposed last year by the Government Industrial Commission, inasmuch as all its members are to consist of Government Nominees. This alteration has no doubt been made by the two Chambers referred to with a view to meeting the strong objections repeatedly expressed by the President to the original Board, which his Honour considered to imply an "imperium in imperio."

Your Excellency will notice from the enclosed report of the proceedings in the Second Volksraad, that the Memorials in question were referred by that body to the First Chamber, by whom it is expected that they will be further passed on to the Executive Council.

Bearing in mind the great importance which has always been attached by the Industry to the formation of an Advisory Board at the Goldfields, it will be interesting to see if this new venture will meet with any better fortune than its predecessor.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

ADVISORY BOARD.—PETITIONS FROM THE RAND.—TEMPORARILY SHELVED.

Next on the order were two Memorials from the Johannesburg Chamber of Commerce and Chamber of Mines, praying for a Local Board to supervise the operations of the Liquor and Pass Laws, and the regulations referring to gold thefts.

Mr. Meintjes thought these Memorials should be referred to the First Raad.

Mr. De Witt Hamer considered that they should be sent to the Government, because they contained complaints against the operation of laws, and such complaints should be directed to the Executive Council and not to the Legislature.

The opinion of the Acting State Attorney was that since the Memorials referred to matters relative to the First Raad they should be sent thither. He thought the First Raad would undoubtedly refer them to the Executive Council on the grounds stated by Mr. de Witt Hamer.

By 13 to 11 votes a proposal—Meintjes-Brecher—was carried to refer these Memorials to the First Raad.

No. 5.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 11, 1898.)

SIR, Government House, Cape Town, June 22, 1898.

I HAVE the honour to enclose for your information, with reference to my despatches of 3rd November last and the 15th instant,* a copy of a Despatch from Her Majesty's Agent on the subject of a discussion in the Volksraad on the Report of the Sub-Committee to enquire into the recommendations of the Government Industrial Commission.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 5.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, June 14, 1898.

ON the 8th and 9th instant, the Volksraad resumed the consideration of the concluding portion of the Report of the Sub-Committee appointed by the House in August last to enquire into the recommendations of the Government Industrial Commission, which had been left under discussion when the Raad adjourned last November.

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* Nos. 2 and 4.

Chapter X., which embraced the important question of the proposed Advisory Board, was agreed to by 17 votes to 9, with the omission of the Clause suggesting the appointment of a permanent official.

In the Debate on this Chapter, Mr. A. D. Wolmarans spoke strongly against the proposed Board, which, he contended, would "place a Commission of unenfranchised men "over the heads of officials of the State, and the Volksraad would thereby practically "accept the proposal of Mr. Chamberlain to give Johannesburg Home Rule." Mr. Loveday argued against this contention, declaring that the Advisory Board would advise the responsible officials only, and thereby relieve the Government and Volksraads of much worry, for the Government could then say that Johannesburg had its own Committee to advise. It would not be a Government within a Government, as had been suggested. Mr. Dieperink, the Member for Johannesburg, then declared that the Laws affecting the Gold Industry were good, but that it could not be denied that they were badly administered. He therefore advocated the appointment of a special official to control this administration. Mr. Stoop and Mr. Tosen spoke strongly against the Advisory Board as laying down a dangerous principle which the Burghers would never agree to.

An account of the Volksraad proceedings is annexed.

FIRST CHAMBER.—THE INDUSTRIAL REPORT.

(Extract.)

Advisory Board Abolished.—Too Much like Home Rule.

Pretoria, June 8th (Special).—In the First Raad this morning the Chairman placed on the order some arrear sections of the Industrial Report of the Volksraad Committee.

ADVISORY BOARD.

Old Resolution Followed.

Section 10 of the Report referred to the appointment of an Advisory Board of experienced men on the Goldfields to act with the Government in the administration of the Liquor Law, Pass Law, and Gold Thefts Law.

The Sub-Committee could not agree with this, but recommended the appointment of one trustworthy person to see to the due administration of the said laws.

In a second paragraph the Sub-Committee recommended that an arrangement should be come to with the other States and Colonies in order to jointly counteract gold thefts.

By the first recommendation the Sub-Committee was of opinion that the Liquor Law, &c., would be duly administered.

In a final paragraph the Sub-Committee could not agree to place the Liquor officials under the Liquor Commissions.

Mr. A. D. Wolmarans contended that paragraph 1 of the section regarding the appointment of a special head official to see to the proper administration of the Liquor Law, &c., had been complied with by the Government instructing Chief Detective Ferguson to see to it, and by placing a special detective under him. He could, of course, never agree to place a committee of non-burghers over the heads of the chief officials, to whom the administration of the laws of the country had been entrusted on the Goldfields. It was preposterous. The Government and its officials must rule and control.

A Special Official.

Mr. Dieperink said that he agreed with the recommendation of the committee that there should be a special official to see to the due administration of the Liquor and Gold Thefts Laws, and that a special body of detectives should be under him. He could not agree with the contention of the member for Pretoria that the matter had already been complied with. This was not the case, as the Raad had by its resolution postponed the matter till this session. He would have preferred to see a few experienced officials placed at the head of the special police and detective force, instead of one man. However, he trusted that the Raad would fully act up to the suggestion in the Sub-Report. It was not a matter of appointing more police and detectives. The men were there. It was simply a matter of appointing a special and competent head over them, and in this case he believed that the men would give an account of themselves.

Mr. Loveday could not agree with what the Sub-Committee stated. An Advisory Board would not be a Government within a Government. For the Government would appoint responsible officials to administer the laws in question, who would be responsible. The Advisory Committee would only advise the responsible officials in order that they might take more effective steps. The appointment of such a Committee would relieve the Government and the Raad of much worry, for the Government could then say that Johannesburg had its own committee to advise. For this reason he would strongly urge the appointment of the Advisory Committee.

Too Much like Home Rule.

Mr. A. D. Wolmarans differed from the last speaker, for in the original Industrial Report it was clearly desired that the committee should have the administration of certain laws, and that the principle should be extended to other goldfields. The comparison of such a committee to a Town Council was unfair, for the powers of a Town Council were circumscribed by law. The appointment of one special responsible official with a force under him to administer the goldfields' laws would meet the requirements of the case. He contended that the establishment of an Advisory Board would place a Commission of unenfranchised men over the heads of officials of the State, and the Raad would, thereby, practically accept the proposal of Mr. Chamberlain to give Johannesburg Home Rule. By appointing a responsible fully-enfranchised person to see to the carrying out of certain laws, all reasonable demands would be complied with.

Mr. Loveday said that Mr. A. D. Wolmarans had accused him of being in favour of the proposal of Mr. Chamberlain for giving the Rand inhabitants Home Rule. This was absurd, and he had never referred to it. The matter was that large sums of money, as much as £700,000 per annum, were stolen from the Companies through gold amalgam thefts. Now, such an Advisory Board would be most useful to make suggestions to counteract such thefts in the interests of the companies. The same could be said in regard to the Liquor and Pass Laws. There could be no question of a Government within a Government. The State officials and Government would only be advised by the Board.

Badly Administered.

Mr. Dieperink said that it could not be denied that these laws in question were of special importance to the Gold Industry. The laws were good, and it could not be denied that they were badly administered. (Hear, hear.) The Liquor Law, for instance, was good, but its administration was bad. Even so in regard to the Pass Law. So lax was the administration of this law that touts enticed Kaffirs away from one company to another, getting 2s. per head. What was desired was simply the better administration of their laws. He knew of an instance where detectives had been sent out on a special duty. What did they do? They went to an hotel, played billiards all day, and returned eventually on their bicycles, having done nothing. Now, if the special police and detective force were to remain under the same person as at present, things would go on as they were. Another and more energetic man should be appointed.

Mr. Stoop: But the neglect of duty of such detectives should be brought to the notice of the authorities. I will never vote for the so-called Advisory Board, and will hardly vote for a separate detective force and a separate administration.

Mr. Tosen said that there was no doubt in his mind that if the Industrial Board or Commission had been called into being, Johannesburg would actually have had self-government, and this would be most undesirable. It would be the laying down of a dangerous principle. It would be a Government within a Government, and every burgher would be opposed to this.

The Motions.

The discussion having been closed, a motion Dieperink-Vorster, to confirm the recommendations of the Sub-Committee in Section X. of this report, and to instruct the Government to act accordingly, was rejected by 17 to 10 votes.

A motion, Van Niekerk-Coetser, was therefore carried by 18 to 9 votes, to confirm the recommendations in Section X., with the exception of paragraph 1 in regard to the appointment of a separate person at the head of the special police force, as the Raad had already (per resolution on the 1st March last) made provision in the matter.

The contra votes were those of Messrs. Erasmus, J. F. de Beer, Steyn, Vorster, Tosen, Joubert, Van Wyk, Dieperink, and Loveday.

Mr. Dieperink said that he had voted against because he considered that the Volksraad resolution in question made insufficient provision.

Mr. Loveday said that he had voted in favour of the whole of Section X. of the Sub-Report because he considered even a small bit of bread better than none at all. (Laughter.)

Mr. A. D. Wolmarans recorded his vote in favour of the motion passed because the Volksraad resolution of the 1st March provided for a special detective and police force under the Chief Detective.

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received October 10, 1898.)

SIR, Government House, Cape Town, September 21, 1898.

I HAVE the honour to enclose for your information, with reference to my despatch of 22nd June last,* a copy of a despatch from Her Majesty's Acting Agent on the subject of the proposed Advisory Board for the Rand Goldfields.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 6.

ACTING BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 15, 1898.

I HAVE the honour to report that, on the 12th instant a debate took place in the First Volksraad on the subject of an Advisory Board at Johannesburg, to control and advise as to the working of the Liquor Law, Pass Law, and the suppression of gold thefts.

The debate was the result of several memorials requesting the Volksraad to consent to the appointment of such a Board, and, as on previous occasions on which the subject has been raised, the Volksraad Committee who considered these memorials advised the Raad to reject the petition. This advice was accepted by the Raad, after a debate during which some very extraordinary remarks were made, especially by a member named Lombard, who said that Johannesburg would evidently never be satisfied until it got a little government for itself, and that, as for the Liquor Law, of which members complained in the matter of working, he thought the Kaffirs should be allowed to drink themselves to death if they liked. Other speakers recommended that the native could be punished if he drank too much, but that the white man should be allowed to sell drink as he chose.

I have, &c.,
EDMUND FRASER.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.;
&c., &c., &c.

FIRST VOLKSRAAD.—Debate of September 12, 1898.

AN ADVISORY BOARD.

The three memorials asking for an Advisory Board for Johannesburg, for the better supervision of the Pass, Liquor, and Gold Thefts' Laws, were again on the order.

The Memorial Commission reported that this matter had already been settled, and advised the Raad to refuse the prayer.

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* No. 5.

Mr. Lombard said that the whole revenue of the State went to provide Johannesburg with what it wanted. Everything was done for the good of the industry and nothing for agriculture. The Government had already appointed policemen, detectives, special detectives, and what not? And still Johannesburg kept on asking for an Advisory Board. This showed that Johannesburg would not be satisfied until it got a little Government for itself. He regretted that according to the present Liquor Law only a few men, a few wealthy and influential men, could obtain licences. This was, in fact, a huge monopoly. So much was said about the "poor native," who was held out as an argument against the sale of drink. The speaker thought that the Kaffir could drink himself to death if he liked. It was one of the native instincts to drink, and what was the good of letting them take away the money from the country, for they abused the money wherever they were.

Mr. Loveday said that if the Industrial Report had been discarded, it was still no reason why something should not be done independent of that report. Let a Commission be appointed by the Government to devise means of satisfactory control of these three laws. There were bodies of lawless men on the Rand who cared for nothing but speculation, and they speculated as hard as they could to transgress every law, to bribe policemen and detectives. It was no argument to say let the native drink himself to death if he liked. That was the native's look-out, perhaps, but the industry had to be protected. It was the duty of the Raad that it had to make a plan to meet the memorialists.

Messrs. De la Rey and Jan de Beer said the Liquor Law was impracticable as it was to-day, and they would advise that it be made as it was before the restrictive amendments came in force. Let a man sell liquor how he liked. The drinker was the man to be punished if he drank too much.

The Chairman was of opinion that the gold companies should control these laws themselves. They should look after these evils and prevent them. He was against a Board of this nature.

Mr. Steyn thought the Liquor Law would be more effectual if the buyers or drinkers were punished rather than the sellers.

Mr. Lucas Meyer brought it to the notice of the Superintendent of Natives, who was present, that thousands of natives were sent by rail to the Rand from different parts of the Republic without passes, while the Pass Law enacted that no native could travel by rail without passes from Native Commissioners. Native agents from mining companies bribed boys working with farmers, and filled trucks with them, sending them to the Rand, while the farmers are deprived of labour.

Mr. Van Niekerk said that the memorials from Johannesburg referred only to the Pass Law of Johannesburg. This was a different law to that of the country Pass Law. He thought that the company should hold the managers of their batteries responsible for the gold thefts. He thought that the Liquor Law could be improved. He would agree with the Memorial Commission, because he did not understand how a special Board, as prayed for, would look more satisfactorily after the evils which the petitioners protest against than the provisions already existing.

Mr. Dieperink said that the Liquor Law was certainly not being executed. Even if it were allowed that drinkers rather than sellers be punished, the law would never answer as long as the supervision and control remained as they were. He moved that the Government be instructed to appoint a Commission to devise a plan by which memorialists be met.

Mr. Loveday said that he was able to prove that amalgam was being stolen by people outside of the batteries.

The discussions were closed.

Messrs. Dieperink and Loveday moved that the Government be instructed to investigate into the nature of the complaints and the request of the memorials on the Order, and that the Government should take steps to meet petitioners.

Messrs. Vorster and Jan de Beer moved a similar motion.

Both these were lost, and the following motion, Du Toit—Louw, was carried with 14 against 6 votes: "That the Raad adopts the Memorial Commission's report."

No. 7.

HIGH COMMISSIONER COX to MR. CHAMBERLAIN.

(Received December 19, 1898.)

SIR, Government House, Cape Town, November 26, 1898.

I HAVE the honour to enclose, for your information, with reference to previous correspondence, a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the liquor traffic on the Rand.

I have, &c.,
GEORGE COX,
Major-General,
Administrator and Acting High Commissioner.

Enclosure in No. 7.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, November 16, 1898.

THE Second Volksraad has lately been employed in revising and amending the Liquor Law, as applied to the sale of liquor to native labourers on the goldfields. No change of moment has been introduced, and the Chamber of Mines lately stated, in its monthly report, that "it is satisfactory to note that in spite of the strenuous efforts to "get the native liquor trade legalized again, the Second Volksraad resolved to retain "the article absolutely prohibiting the sale of liquor to natives." The law in fact is a good one, and this year's amendments have rendered the penalties more severe. As has been repeatedly asserted, also before the Industrial Commission last year, the fault does not lie in the law, but in its execution. Matters have gone, of late, from bad to worse, and reached a crisis shortly after a debate in the Second Volksraad, in which the Chief of Police was summoned to give an explanation of the shortcomings of his Department in this respect. Accusations of bribery and hush-money accepted by the Police and Detective Force of Johannesburg from the Jews who drive such a profitable trade in illicit liquor-selling, were made quite openly before the Volksraad; the Chief of Police retorted by insinuating that mine-managers connived at the sale of liquor. On this the Chamber of Mines reports as follows:—"During the course of the debate, the "Chief of Police, in reply to questions, made some very serious allegations respecting "the action of the mines towards the Illicit Liquor Trade, and charged them with at- "tacking the administration of the law, in order to pave the way for the establishment "of the Compound system. As these statements were wholly unfounded, and were "calculated to prejudice the interests of the Industry in relation to the liquor trade, "your Committee held a special meeting and directed a letter to the Member for "Johannesburg, pointing out that the Chief of Police must have been misinformed as "to the facts, and showing that the mines were free from blame. The letter was "brought to the notice of the Volksraad members, and appears to have had the effect "of removing the false impression produced by the Chief of Police's statements."

No. 8.

HIGH COMMISSIONER COX to MR. CHAMBERLAIN.

(Received December 19, 1898.)

SIR, Government House, Cape Town, November 29, 1898.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the additional Gold Tax imposed in the South African Republic.

I have, &c.,
GEORGE COX,
Major-General,
Administrator and Acting High Commissioner.

Enclosure in No. 8.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, November 22, 1898.

I HAVE the honour to enclose a report of the meeting held yesterday by the Chamber of Mines to confirm the Committee's action in protesting to this Government against the 5 per cent. Gold Tax on net profits, passed within 24 hours by the Volksraad last week.

The President of the Chamber of Mines, Monsieur Rouliot, gives the reasons which induced his committee to make their protest:—

(1) Because the tax was imposed without notice, and within 24 hours, in spite of the fact that a deputation of the Chamber of Mines, only six weeks ago, were informed by the Government that if in the future any such taxes were in contemplation, then there would be time enough to hear the views of the industry.

(2) Because, if the Government are in need of funds, they have only to claim the profit which they might legitimately derive from the sale of dynamite, by cancellation of the monopoly.

(3) Because the new tax is unnecessary, seeing that the present State revenue of £3,500,000 is more than ample to carry on the Government of a country which at most only contains 280,000 white inhabitants. That, if the affairs of the Transvaal were administered as are those of the Orange Free State, a sum of less than two millions would suffice as State revenue. And that in no country in the world does the expenditure per head of the inhabitants come up to that of the Transvaal administration.

(4) Because the tax is unjust in a country where the chief taxpayers have no say in the public expenditure of their taxes, whereas enormous sums have been introduced into the country by the mining industry, for the development of mines, which have laboured from the beginning under heavy burdens, none of which have yet been removed.

(5) Because the Government's own Industrial Commission, last year, recommended various forms of relief for the industry, hardly any of which have received so much as passing attention.

(6) Because, although in consequence of that Commission's suggestions, reductions were made in the exorbitant railway tariff and in certain Customs duties, amounting to some £100,000 a year, whereas, in reality, by a change in the incidence of these two kinds of burdens, £200,000 has been added to them, the list of special duties alone for 1897 having contained 28 heads of lesser duties than that of 1898, with a decrease for the present year of only four items.

Monsieur Rouliot went on to state that he would not discuss the equity of such a tax, if the burden were only lessened by reductions in existing burdens and taxation; but, he proceeds, "if we bear in mind the very costly administration of the State, and if we remember how their huge revenue has filtered through the coffers without any benefit to the country, and to such an extent that the burghers themselves are memorialising to know how it is possible that a sum amounting to no less than two millions has vanished and cannot be accounted for" (Note: This question was again raised this week in the Volksraad, and the Government again promised a report presently), "then you will come to the conclusion that we, who shall ultimately be called upon to pay, are justified in asking for what purpose the money is really wanted, and what difference to our burdens it would really make."

Monsieur Rouliot further repudiated the assertion that the mining industry had brought this new tax on themselves by opposing the Government's attempts to raise a State Loan; and admitted the justice of a State Loan in principle, only claiming that the industry should be satisfied that it was to be utilized in productive public works. He reminded the Chamber that it was only quite recently that the State President had said, in the Volksraad, that the latter should give the mines a chance to establish themselves before imposing a certain percentage on the output, and that once the mines had been sunk in the ground, and the machinery was erected, then would be the time to take something out of them. Therefore, it seemed to M. Rouliot, that the Government was quite willing to share in their profits now, although they had never given the mines facilities to establish the industry, while they had been engaged in development, whereas their capital had been taxed to the utmost by indirect taxation, and no sooner had this capital become productive than taxation was put upon the results.

When one remembers that, according to the State Mining Engineer's Report, of 218 mining companies, only 28 were able to pay a dividend in 1897, and that the non-producing mines represented a capital of £27,983,000, expended in workings and development without any return, a certain poignancy is added to the latter statement.

I have, &c.,

EDMUND FRASER.

His Excellency
The High Commissioner.

THE GOLD TAX.

THE INDUSTRY'S PROTEST.

CHAMBER OF MINES MEETING—NOVEMBER 21, 1898.

A special meeting of the Chamber of Mines of the South African Republic was held to consider the resolution of the Volksraad imposing a tax on net gold profits of five per cent. Mr. G. Rouliot, President, occupied the chair, and there were present: Messrs. N. J. Scholtz, A. Epler, W. Dalrymple, A. Brakhan, E. Birkenruth, B. Kitzinger, A. Mackie Niven, J. Durham, R. Goldmann, N. McFarlane, J. Munro, H. R. Calvert, E. Boucher, F. H. de Roos, J. P. Fitzpatrick, Leopold Grahame, R. R. Hollins, W. Stuart, G. Hesse, M. Dold, H. A. Rogers, W. H. Rogers, H. Strakosch, G. Albu, H. Duval, H. D. Solomon, H. Morkel, S. C. Black, R. Lilienfeld, Steytler, W. Ross, Doveton, W. Adye, H. F. Strange, C. F. B. Wollaston, H. Nourse.

THE PRESIDENT'S SPEECH.

The President said:—Gentlemen, we have called you together to report to you what your Executive Committee have done with regard to the passing of the new law, imposing a tax of 5 per cent. on the net profits obtained by mining companies or syndicates. On Thursday last, in the evening, we heard that the State President had, under the plea of urgency, introduced a draft law before the First Volksraad, providing for the imposition of a tax upon the net profits obtained from the exploitation of mining ground. A meeting of your Executive Committee was then convened for the following day to consider what steps should be taken in connection with the proposed measure, and whilst we were discussing in which form we should present our views and our objections, a telegram came, stating that the law had been passed, and would come into force at once, and apply to the operations of the present year. There was nothing left for us but to record our protest, which was done in the shape of a telegram forwarded at once to the State Secretary, reading as follows:—"The Executive Committee of the Chamber of Mines, as representing the mining industry of the Republic, desire respectfully to place on record their protest against the hurried manner in which the law for taxing the net profits of gold miners and gold mining companies was passed without those specially affected being allowed an opportunity of expressing their views on the subject, more especially as in their opinion the tax itself is unnecessary." This was communicated to the press, and also cabled to our representatives in Europe. We protest first against the hurried manner in which such a measure has been introduced.

Only six weeks ago a deputation of your Chamber went to interview the Government about the Gold Law then under discussion in the Second Volksraad, and amongst other points mentioned the reports that had been put in circulation regarding the taxation of the dividends, the matter then being referred to the First Volksraad. During the course of the interview the deputation was informed that the introduction of such a subject was premature, and that no such law was before the Raad, giving to understand that if in the future any such measures would be contemplated then it would be time to consider the matter and hear the views of the industry. Now instead of giving an opportunity to those directly concerned of making themselves heard, instead of complying with the general laws of the land which provide that any law to be submitted to the Volksraad must be published for at least three months for the information of the people, we find that under the plea of urgency such a radical measure has been sprung upon the legislature and passed within 24 hours even before anyone was aware

of it. In my opinion this measure passed in this manner will do immeasurable harm to the credit of the State, and to this industry. Consider the state of mind of a European investor; he studies the laws of the country, thinks that under such and such condition he can work a property, values the return that he may get, and then invests his money,when all of a sudden he finds that within a few hours a new law is passed, without any notification whatever, which entirely changes his position and takes away from him a more or less large portion of legitimate earnings. Now is it not likely that after an experience of that kind the investor will fear the possible adoption of similar if not worse measures at any moment, and do you think he will be disposed to come again forward and put more capital to develop the future resources of the State? I am afraid not. Besides, we are at a loss to understand why this measure has been so suddenly sprung upon us. Friends of the Government, and semi-official newspapers, have repeatedly stated here and in Europe that the finances of the State are in a healthy condition, they have pointed out, and quite truly, that the revenue is a very large one; then, why this haste; this apparent sudden discovery that money is wanted, and the plea of urgency to the Raad? If really the Government were in need of further funds, why did they not claim their share of the huge profits made by the dynamite monopoly, which is assured to them under their contract, instead of taxing further this industry? We are further of opinion that this tax is unnecessary and unjust.

It is unnecessary because it seems to us that the present revenue of the State, amounting to about £3,500,000, is more than ample to carry on the administration of a country which contains only 248,000 white inhabitants. If the affairs of the Transvaal were administered on the same economical lines as those of the Free State, the Government's expenditure would amount to less than two millions instead of being nearly three and a half millions as estimated in the present budget. In no country in the world does the amount of public expenditure per head of inhabitants come as high as in this Republic, and if any fiscal reforms are to be introduced, our Government might safely start with its own institutions.

It is unjust, because we are the most heavily taxed community in the world, although we are the one that has the least to say about the use of the funds it contributes; and also because while most of these mining undertakings were still in the initial stage preparatory to working the capital imported to develop them has all along been heavily taxed through extraordinarily heavy railway rates, high import dues and charges paid to foster monopolies that bring nothing to the State; and now that this capital is becoming productive, it is proposed to tax also the results obtained from its judicious employment without removing any of the burdens that weighed upon mining enterprises from their very start.

I do not propose to discuss the justification of a tax on gold or dividends or profits in preference to a tax on any other article imported or exported, as such a proposition is not before us. If the country was administered properly, if taxation was low, fair, and equally distributed, and if, under special justified circumstances, new resources had to be created, then the advisability of such a tax might be discussed. But this is not the case. We have to bear a most extraordinary taxation; the revenue of the State is already more than sufficient to cover all expenditure if properly administered; last year a Government Commission thoroughly inquired into the difficulties against which we are struggling, and as the outcome of its labours, recommended many reductions in the burdens imposed upon us, and not only has nothing been done in the way indicated by the Government Commission, except a few trifling reductions, but, on the contrary, we have constantly new weight being added to our load. And now, if I am to judge from the opinion of some Raad members, as reported in certain papers, and the articles published in the local Government organ, this is only a beginning, and we must be prepared for more before long.

There might be a possible justification to such a tax if reductions were made in other directions, but ever since the Industrial Commission furnished its report fresh burdens have been imposed on us. The railway made a reduction by lowering the coal rate, and placing certain articles in the intermediate class, which mean a total reduction of about £100,000 a year. On the other hand, in July, 1897, the rates on imported wheat, imported mealies, and meal made from imported mealies have been increased; which in practice meant an additional contribution on the part of this community amounting to over £200,000 a year. These rates have quite recently been lowered again, but the high rate for flour is maintained. Comparing to-day's Customs list of special duties with that of 1897, I find that the duties have been increased on 28 heads, and decreased only on four.

It has been hinted that the present new taxation was on account of the Government contemplating the construction of large works of public utility, and for which purpose they were negotiating abroad for a loan which was opposed by the Mining Industry. This is not the case. A State Loan cannot leave us indifferent, for after all it is the Mining Industry's credit which constitutes this country's credit, and those who might possibly lend money to the State consider, directly or indirectly, the mines as being the guarantee for their money. Well, we quite understand that a young country, where nearly everything has to be created, may be in want of large amounts to construct any works that may be useful to the country generally, and to its present and future inhabitants; we consider, therefore, quite right that loans should be obtained for that purpose, so that the expenditure does not come out of current revenue, but be borne as well by future generations, for whose benefit the works are to a great extent undertaken. The Mining Industry would, therefore, view with favour such a financial operation, which ordinarily would mean a reduction of the present taxation.

In civilised countries, when such works are in contemplation, it is the custom to have a scheme carefully studied and worked out to be laid before the Legislature, so that if it is adopted after a thorough discussion, special resources are created to meet the expenditure thus sanctioned. But here, this has not been the case; we have heard only of attempts to raise money without knowing for what purpose, and without seeing any indication of a reduction in the taxes with which we are now saddled. It would be with great pleasure that I should see the State obtaining a loan, if a clear programme was laid before the country, the resources thus obtained enabling the Government to distribute the charge more evenly over future generations, and making the lot of the present a lighter one. On the other hand, I should consider it most detrimental to our interests if it should not be so, considering that ultimately this community will be called upon to pay both principal and interest. If we bear in mind the very costly administration of this State; if we remember how their huge revenue has filtered through the coffers without any benefit to the country, and to such an extent that the burghers themselves are memorialising to know how it is possible that a sum amounting to no less than two millions has vanished and cannot be accounted for, then you will come to the conclusion that we, who shall ultimately be called upon to pay, are justified in trying to know for what purpose the money is really wanted, and what difference to our burdens that would make. Now to what extent will the industry be affected and what will be the amount it will be called upon to contribute, I am hardly in a position to tell. During the present year I estimate that an amount of four millions sterling will be paid out as dividends earned from mining exploitation. On this alone the mining industry would be called upon to pay an additional £200,000 to the revenue of the State; but the proposed tax goes further. The law says that it will apply to all net profits regardless of the manner in which they may be utilised, such as for redemption of debts, creation of reserve funds, &c. . . . . and as the law indicates that the Government will tell us how to keep our books in order to arrive at the valuation of these profits, it is impossible to calculate exactly to what extent we may be taxed until this point is made clear. All the reasons that I have enumerated to you have led us to the conclusion that this gold tax was not only passed in a hurried manner tending to do damage to the country generally, but also was unjust and unnecessary. That is why we deemed it advisable to record our protest and to make it public. I shall now ask you to confirm our action in this matter, and beg to move the following resolution:—

> This meeting hereby resolves to approve and confirm the action of the Executive Committee in having telegraphed to the Government the following protest against the law for taxing mining profits, and in having cabled a copy thereof to London for publication:—Protest: The Executive Committee of the Chamber of Mines as representing the mining industry of the Republic, desire respectfully to place on record their protest against the hurried manner in which the law for taxing the net profits of gold miners and gold mining companies was passed, without those specially affected being allowed an opportunity of expressing their views on the subject, more especially as in their opinion the tax itself is unnecessary.
>
> This meeting further reaffirms that the tax is unjust and unnecessary, and the manner in which it was hurried through the Legislature is detrimental to the interests of the country and of the mining industry.

Mr. Birkenruth seconded the resolution.

Mr. Goldmann said, as their President had informed them towards the end of last week, they were suddenly informed that the Government had passed a law with, at any

rate, a certain amount of unseemly haste, and it seemed that the Executive of the Chamber, the leaders of the industry, not wishing to be done by such unseemly haste, immediately hastened to send a telegram. He supposed that telegram did not commend itself to an august personage, and, in the words of Sir Herbert Kitchener, "It would be pitiful, if it were not pathetic." What was the action of those people who had control of the industry? He would not refer to the "Standard and Diggers' News," which was a Government subsidised organ, but he would only take the "Star," a paper which, he understood, was subsidised by the leading groups on these fields.

The President: Excuse me, we are discussing the matter of the gold tax. I cannot allow you to make any statements about subsidised newspapers—statements which possibly might not be correct. Therefore I must ask you to confine yourself to the subject.

Mr. Goldmann, continuing, said that whatever might be the outcome of the tax, the idea of the Government was to get money, necessary for carrying on the government of the country, and the result had practically been nil, because the principle behind had been: no reforms, no millions. The country had been brought to such a pass that they were unable to raise any money, and the next best thing they had to do was to help themselves. They had been unable to get the loan any other way, and now the mining industry could not complain. They had done what they could. He contended that to a certain extent under these circumstances the present Government were justified in what they had done. They knew the industry was suffering under various disabilities, and the Chamber had tried to fight these disabilities for several reasons, but if they went to the world to tell them this 5 per cent. dividend was unreasonable, if they tried that game they would be laughed at. He thought that upon an occasion of this kind the attitude taken by the Chamber would have been a different one, and now that the Government had come in as partners in the mining industry they should have pointed out that if the Government wished to be a partner they must be prepared to share their disabilities also, and if the Government's profit was not sufficiently large, then the Government must remove those disabilities.

Mr. Rouliot's Reply.

The President said that before putting the resolution he wanted to offer a few words in reply to Mr. Goldmann. He did not think Mr. Goldmann had followed very carefully the remarks which he had made. As he said, he did not want to discuss the justification of the tax on gold profits, or dividends, as compared with the taxation on any other article, as they had no such proposition before them. What he (the President) maintained, and what he believed was the opinion of the community in general, was that the revenue which they provided for the State was more than sufficient to cover all their expenses, and that therefore there was no necessity to saddle them with fresh burdens. (Hear, hear.) With regard to the sentimental view which Mr. Goldmann took about having the Government as partners in their mines, he should say it came at a very strange moment. It was only quite recently that the State President had stated in the Raad that they should give the mines a chance to establish themselves before imposing a certain percentage on the output, and that once the mines had sunk in the ground, and the machinery was erected, would be the time to take something out of them. Therefore, it seemed to him that the Government was quite willing to share in their profits now, although they had never given the mines any facilities to establish the industry while they had been engaged in preparatory work, while their capital had been taxed to the utmost in an indirect manner, and no sooner had this capital become reproductive than the results were to be taxed. Mr. Goldmann had referred to the policy of the Chamber being a wrong one, and tending to create further estrangement between the powers that be and this community. In reply to that statement they could only refer Mr. Goldmann to the publications of the Chamber. He was sorry Mr. Goldmann had not attended all the meetings of the Chamber, because if he had done so he would have noticed that they had been most anxious to work harmoniously with the Government and had tendered the latter every advice; and if there were any estrangement the members of the Chamber did not feel any guilt on their part. (Applause.)

Mr. L. Grahame suggested the insertion in the resolution, after the word injustice of the phrase, "unless general taxation be reduced," but the Chairman pointed out that that was unnecessary, and the matter dropped.

The Chairman then put the resolution and declared it "carried, with Mr. Richard Goldmann dissenting."

The proceedings then ended.

No. 9.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 21, 1899.)

SIR, Government House, Cape Town, February 1, 1899.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the condition of the Mining Industry during the year 1898.

I have, &c.,
W. F. BUTLER,
Lieutenant-Colonel,
Administrator and Acting High Commissioner.

Enclosure in No. 9.

ACTING BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 27, 1899.

I HAVE the honour to enclose a summary* of the Annual Report of the Transvaal Chamber of Mines for the year 1898, as well as an able essay* upon the general situation of the gold mining industry and its relations with the Government, which was read by the President, M. Rouliot, at the annual meeting on the 26th instant.

The principal points dealt with in the Report, and by the President, are the regret of the mining industry at the recent refusal by the Volksraad to consider the Chamber's proposal for the formation of a local board, even composed only of Government nominees, to control the working of the laws dealing with native labour supply, liquor traffic, and gold thefts, although the Chamber acknowledges that it has hopes of better things if the recent proposal to place the control of the detective department under the State Attorney is approved by the Raad. Suggestions are again made for the reduction of railway rates; and the dynamite monopoly is again attacked at considerable length by M. Rouliot, who warns the Volksraad in the strongest terms against the recent scheme—to be laid again before the Volksraad in February—for prolonging for fifteen years beyond the present concession, what can only bring loss both to the State and to the industry, a proposal which M. Rouliot terms iniquitous. The accusation which has been brought against the mining companies of late, namely, that they keep up depression in trade by ordering their supplies direct from abroad, to the detriment of the Transvaal merchants, is refuted by convincing statistics; and I may add that I myself have heard no good reason alleged in proof of this accusation, which I regard as wholly unfounded. The recent gold taxes are likewise discussed, with the conclusion that the principle of a gold tax may be a reasonable one, but not under existing circumstances here, when more revenue is not needed by the State, but only better financial administration, and when no reductions in existing taxation have been effected in compensation for the increased burden from the gold taxes. The failure of recent State-loan proposals is touched upon, in connection with the assertion that the industry might have helped the Government to obtain the capital it required; and reasons are given why such assistance was not forthcoming, not the least of which was that it was not asked. The supposed connection between political agitation and the capitalists is repudiated, and I myself believe this repudiation and the proofs given to be the truth in every respect. The Chamber, in fact, states again emphatically that it takes its stand upon a purely economic platform, and has no desire to alter any of the institutions of the country, if only its voice against monopolies, concessions, and other well-known abuses, were listened to. In conclusion, M. Rouliot alludes to a recent campaign, carried on by some of the Government-subsidized organs, against the capitalists, and points out the near connection between this campaign and the existence of the wealthy syndicates who support the illicit liquor traffic, which is perhaps at present the chief enemy of the capitalist, and the one which they certainly mean to be untiring in their efforts to attack. I regret to say that I myself entirely agree with M. Rouliot that all these attacks upon the capitalist here (without whom not one mine in the Transvaal could be worked at a profit) are merely the outcome of the wealthy influence of the Jews, who grow rich in a few years by the enormous profits of the sale

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* Newspaper extracts; not reprinted.

of poisonous alcohol to the native labourers on the mines, a traffic which incapacitates perhaps a permanent twelve per cent. out of 88,000 natives from doing any work. The Volksraad even threatened to introduce flogging, to help the enforcement of the liquor laws; and the illicit dealers have now combined to utilise the press, of a certain shade, in order to attack the capitalist who makes their evil deeds so patent. The whole report and speech of the President are very instructive summaries of the industry's position, both politically and economically; the statistics for the past year's gold-production being also laid out at considerable length in the enclosed speech.

I have, &c.,

EDMUND FRASER.

His Excellency the Hign Commissioner.

SECTION II.—RECENT LEGISLATION.

(Judges Law, Press Law, Aliens' Expulsion Law.)

No. 10.

HIGH COMMISSIONER LORD ROSMEAD to MR. CHAMBERLAIN.

(Received March 22, 1897.)

SIR, Government House, Cape Town, March 3, 1897.

WITH reference to previous correspondence respecting the action of the Volksraad in connection with the High Court of the South African Republic, I have the honour to transmit, for your information, copies of further despatches* on the subject from Her Majesty's Agent.

These despatches contain full reports of the debates* in the Raad on the Act defining the powers of the High Court, which law, as I have already informed you by telegram, was passed by 23 votes to 4.

I also enclose the full text of the law as amended by the Raad.

You, doubtless, are in possession of the Grondwet of 1858, an English translation of which was published in London by the Law Commission in 1879, and I now enclose a translation* of the Law No. 2 of 1896, amending the Grondwet.

I have, &c.,
ROSMEAD,
Governor and High Commissioner.

Enclosure in No. 10.

THE LAW AS AMENDED.

FULL TEXT.

The following full text of the law as amended by the Raad is taken from the Pretoria "Press":

1. Considering that from the foundation of the Republic the resolutions of the Raad had been acknowledged and respected as law, and that the judicial power did not possess the competence to set aside laws and resolutions made by the Volksraad:

Considering that this was the will of the people of the South African Republic as laid down in the Grondwet of 1858 (*and maintained in the compiled Grondwet of* 1896), and in Appendix No. 2 of this Grondwet, dated September 19, 1859, which, *inter alia*, determines:

2. Each Court shall respect all Volksraad resolutions as law, not having the right to make any remark or judgment thereon, and whatever is decided or approved by the Volksraad shall no more be subject to the notice of any Court.

3 If various Volksraad resolutions have been taken upon the same matter, the last resolution must be respected by every Court as law.

Considering that in the Grondwet of 1858, according to the oaths which have been embodied and prescribed therein respectively for the members of the Volksraad, and for the members of the Judiciary, the so-called testing right (toetsingsrecht) does not repose in the Judiciary, who, according to the oath, must adjudicate according to the laws of the country:

Considering also that the High Court of this State has repeatedly decided that Volksraad resolutions have the force of law, and that the Judiciary does not possess the so-called testing right:

Considering that the local legislation of the Republic, for reasons herebefore set forth to a great extent rests upon Volksraad resolutions:

Considering that Act No. 4 of 1890, after having been properly published, was not immediately put into force after its consideration by the Volksraad, but was specially

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* Not printed.

again laid before the people, and that the people have agreed to this law, after the same had been published three times successively:

Considering that Article 32 of this Law (which article has now been embodied in the Grondwet of 1896 as Article 80) has confirmed this state of affairs as intended by the Grondwet of 1858, and pronounced correct by the High Court, and determines that the legal force of laws and resolutions published by the State President in the "Staatscourant" cannot be disputed—thus also not by the Judiciary—while the people alone have the power to declare themselves against a law or resolution: and further,

Considering that recently a majority in the High Court, namely, two Judges, have decided that former judgments of the High Court in this matter were inaccurate, and have laid down that Volksraad resolutions have no force of law, and that at the same time the High Court possesses the competence to refuse to apply a law when it is of opinion that this law, in form or contents, is contrary to the Grondwet of 1858:

Considering that by this decision the security of justice in this State is greatly prejudiced, in that, as stated, the Volksraad resolutions and various laws and the greatest portion of our legislation rests upon Volksraad resolutions are purposely intended as alterations of the Grondwet:

Considering that the First Volksraad may not passively look on when the High Court refuses to adjudicate according to the laws of the country, and that it is its duty to protect the public in accordance with the will of the people:

Considering part 86 of the Grondwet of 1896, regarding the convening of the Special Court, is not applicable in this case: and in conclusion,

Considering that this law, although not previously published for three months, in terms of Article 11 of the Grondwet, must immediately be taken into consideration, as it can admit of no delay:

It is hereby resolved to take this law immediately into consideration, notwithstanding it has not been published three months previously, since it can admit of no delay, and it is hereby enacted and determined as follows:—

Article 1.—As long as the people have not plainly intimated to the satisfaction of the First Volksraad that they wish to change the existing condition, the existing laws, and Volksraad resolutions, and those still to be made, shall be acknowledged and respected by the Judiciary in accordance with Article 80 of the Grondwet of 1896, and the Judiciary have not the competence to refuse to apply a law or Volksraad resolution because that law or this resolution is in the opinion of the Judge contrary to the Grondwet in form or contents; in other words, the Judiciary shall not have the competence (*and has never had the competence, either by the Grondwet, or by any law*) to arrogate to itself the so-called testing right.

Article 2.—The Judges, the Landdrosts, and other members of the Judiciary shall *in future*, prior to the assumption of office, take the following oath:

I promise and solemnly swear to be faithful to the people and the laws of this Republic; and in my position and office to act justly, reasonably, without respect of persons, in accordance with the laws and Volksraad resolutions, and according to the best of my knowledge and belief; not to arrogate my so-called testing right, not to take any gift or favour when I suspect that this is done, or should be proved, to influence me in my judgment or action for the benefit of the giver or favourer; outside my position as judge, to obey the commands of those placed over me according to law; and in general to have in view nothing else than the maintenance of the law, justice, and order, for the promotion of the prosperity, the welfare, and the independence of land and people. So help me God Almighty. (*The members of the High Court and Landdrosts shall, in future, take their oath of office before the State President and members of the Executive Council.*)

Article 3.—The Judge who does not act in accordance with Article 1 of this law shall be deemed to have made himself guilty of a misdemeanour of office as indicated in Article 86 of the Grondwet of 1896.

Article 4.—His Honour the State President is hereby empowered to ask the present members of the Judiciary, or cause to be asked, whether they consider it to be in accordance with their oath and their duty to adjudicate according to the existing laws and Volksraad resolutions, and any to be made later on, and not to arrogate to themselves the testing right, and, further, His Honour is instructed to dismiss from office those members from whom His Honour receives a negative, or, in his opinion, an unsatisfactory answer or no answer at all within a stated time.

Article 5.—Under Volksraad resolutions, are understood by this law the resolutions of the Old Volksraad as well as the resolutions of the First Volksraad, and also resolutions of the Second Raad which are in force, according to Article 31 of Act No. 4 of 1890, now Article 79 of the Grondwet of 1896.

By "the people" shall be understood the fully enfranchised burghers of the South African Republic.

Article 6.—This law shall not interfere with the rights obtained by judgments of the High Court before this law.

Article 7.—This law will come into force immediately after publication in the "Staatscourant."

No. 11.

Mr. CHAMBERLAIN to High Commissioner GOODENOUGH.

(Sent 4.22 p.m., April 24, 1897.)

Telegram.

April 24. Lord Rosmead's telegram of 14th instant,* "Critic." Ask Government of South African Republic when may reply be expected, drawing attention to "Star" judgment.

No. 12.

High Commissioner LORD ROSMEAD to Mr. CHAMBERLAIN.

(Received May 7, 1897.)

Government House, Cape Town,
April 21, 1897.

Sir,

I have the honour to enclose for your information, with reference to my telegram of the 15th instant,† a copy of a Despatch from Her Majesty's Agent, Pretoria, on the subject of the setting aside by the High Court of the order of the State President suppressing the "Star" newspaper.

I have, &c.,
ROSMEAD,
Governor and High Commissioner.

Enclosure in No. 12.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

(Extract.)

Pretoria, April 15, 1897.

With reference to my telegram of yesterday, informing your Excellency that the recent order of the State President suppressing the "Star" newspaper, under section 5 of the Press Law, had been set aside by the Court with costs, I have the honour to state that the paper reappeared last night in due course under its old name.

I have the honour to enclose extracts from the local papers giving an account of the proceedings in Court, and of the judgment of the Judges.

I regret that, owing to pressure of work, I am unable to do more than call your Excellency's attention to the fact that the State President's order was set aside on the ground that section 5 of the Law 26 does not give his Honour the power to suppress matter as yet unprinted.

"Transvaal Advertiser," April 12, 1897.

The suppression of the "Star."—Application to the Court.

At the provisional sitting of the High Court to-day, Justices Ameshoff and Morice presiding, the application *in re* "Argus" Printing and Publishing Company *v.* Dr. Leyds, N.O., was heard.

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* No. 123 in (C. 8423).

† No. 146 in (C. 8423).

Messrs. Wessels, Esselen, and Curlewis appeared for the applicants, and Dr. Coster, State Attorney, for the respondent.

This was an application for an order calling on the State President to withdraw the mandate ordering the suspension of the "Star" newspaper for three months, which mandate was issued in terms of Section 5 of Law 26 of 1896.

Mr. Wessels contended that the law was *ultra vires*, in that it delegated powers to the President of a judiciary nature, a proceeding held to be illegal in the case of Sigcau, in which the Chief Justice of the Cape Colony had laid down that the Government of the Cape Colony had no right to assume judiciary powers. The act was, moreover, a breach of the Grondwet, as argued in the cases of MacCorkindale, Doms, and others, was further an infringement of the article of the Grondwet guaranteeing the liberty of the Press.

Mr. Justice Morice: The right of suspending or stopping the issue of newspapers is exercised by the ruling powers of Germany and Russia.

Mr. Wessels: In those countries the rulers are an agglomeration of various powers, administrative, judicial, executive, &c.; but even in Russia the law is kinder than in this State. In Russia, the censor only blocks out passages in newspapers held to be objectionable. Here the publication is stopped altogether.

Proceeding, Mr. Wessels said that even if the Court held that the law was valid, and that the President possessed the powers granted to him thereunder, he had exceeded those powers given in Art. 5, which stated that the President had the right to suppress temporarily or permanently the publication and circulation of *printed matter* the contents of which, in his opinion, were dangerous to good order and morals. This prohibition could only be exercised in the case of matter already printed, and meant that any printed issue, book, or periodical considered objectionable could be prohibited from being circulated. If the matter were not printed, how could an opinion be formed of its contents? Particular numbers of the "Star" might be stopped, but the power was not given to suppress newspapers altogether. The Legislature had clearly the article in the Grondwet in view guaranteeing the independence of the Press when the clause was passed, and in view of that article the Court was bound to see that in interpreting the laws on the subject that the spirit of the Grondwet was maintained. The words of the law were in the past tense, and could not be applied to that which did not exist.

Justice Morice: The applicants cannot complain of any hardship, seeing that they are immediately allowed to produce another paper.

Mr. Wessels: That is not the case before the Court. It is inconceivable that the President should see in the word "Star" anything dangerous to morals or good order. The question is whether the prohibition of matter not printed is allowed by the law.

The State Attorney, in reply, said that in regard to the law being against the Grondwet, in that it gave judicial powers to the President, it was simply a police measure on all fours with the law which gave the Executive power to inflict punishment on natives in certain cases. The application is premature, in that the lower courts, to whom the power of passing penalties under the law was given, were passed over by the applicants, who simply came to the court to get a legal opinion. When the applicants are proceeded against for breaking the law is the time to appeal to the higher court. With regard to the words "printed matter," these were not words used in the past tense, but were to be taken substantively and adjectively and in a general sense, and thus signifying matter to be printed.

The Court: In view of the fact that applicants obeyed the order of the President when they could have continued publication until punished by the lower court and after, pending appeal to the High, would it not have been better taste for the State Attorney to have waived the point of premature application?

The State Attorney said the proper form must be followed. Even if the Court were against him, and publication continued, he would still order the Public Prosecutor to take proceedings. How could the order asked for be given?

Mr. Wessels replied that even in police measures parties had the right of appeal, as the Grondwet expressly stated that Kaffirs were not on the same footing as whites, the *Argus* Company could not be reckoned in the same category. As to the order asked for, if the President had acted in his private capacity, they were entitled to an order calling on him to withdraw the mandate. But the petition stated "or any such other relief as the court might deem fit to grant."

Judgment was reserved until Wednesday

"THE STAR," April 15th, 1897.

The Suspended "Star."—Judgment—To-day.—Suspension Cancelled.

Pretoria, Wednesday, 11 a.m. (Special).—In the application of the Argus Printing and Publishing Company to have set aside the order of the President suspending "The Star" for three months, the High Court this morning has given judgment setting aside the order of the State President, with costs.

The receipt of the news was hailed in the Argus Company's Works by the employés with a spontaneous burst of applause.

STATEMENT FROM THE BENCH.

Pretoria, Wednesday (Special).—In the High Court to-day Judges Ameshoff and Morice sat to deliver judgment in the application of the Argus Printing and Publishing Company *v.* Dr. Leyds, N.O., representing the Government. The application was fully reported on Monday.

Judge Ameshoff said: This is an application heard in the High Court, before Judge Morice and myself, on April 12 last. The applicants, a limited liability company, represented by their Chairman (Thomas Sheffield) complain (A) that on March 22 last they were served with an order issued by the President, with the advice and consent of the Executive Council, forbidding the circulation of their newspaper, named "The Star," published at Johannesburg, the order having been issued in terms of Art. 5 of Law No. 26, 1896. They complain that this law is contrary to the provisions of Art. 19 of the Grondwet of this State, and also to the terms of the London Convention of 1884, which assures the right of all at any time to appear before a Judge, and defend themselves against any charge that may be brought against them, and that no one can be injured in his business or have it suppressed until he has been heard in his defence. They further state that, even if Law 26 of 1896 has force of law in this State, the order in question was wrongfully issued, according to Art. 5, since they claimed under the terms of the said article the circulation of matter already printed can be stopped should the said printed matter be regarded as dangerous to law and order in this State, whereas the order of the State President forbade the circulation of matter not yet printed, namely, the publication of "The Star" for the ensuing three months. For these reasons the said T. Sheffield, in his capacity as aforesaid, prays that the State Secretary of the South African Republic, as representing the Government, should be compelled, by order of Court, to withdraw the order suppressing "The Star," and that he should be mulcted in the costs of this application.

The order read as follows:—

> I, Stephanus Johannes Paulus Kruger, State President of the South African Republic, acting in this matter with the advice and consent of the Executive Council, as appears from Executive Resolution, dated March 22, 1897, and in accordance with Art. 5 of Law No. 26, 1896, hereby forbid the circulation of the newspaper "The Star," published at Johannesburg, for a period of three months from this date, for the reason that, in my opinion, the said newspaper is dangerous to law and order in this Republic.

The arguments employed by the applicants, through their advocate, are twofold. The first argument is as follows, namely, that Law 26, of 1896, gives the State President a certain power, the execution of which entails certain results. These results are the injuring or suppression of business concerns which, in his (the advocate's) opinion, should not be a power given to an administrative Government. The power was a judicative one only, *ergo*, when a printer is forbidden by law to do a certain deed, the performance of which might entail the suppression of his business, only a Judge, after hearing both parties, could decide whether there had been a contravention or not. Should the forbidden deed be done, then only a Judge could inflict the penalty, namely, in this case, suppression of business. The Raad itself (the advocate argued) had not the power to suppress establishments, and therefore they could not delegate such power to the State President. Reference was made to the case of Sigcau *v.* the Colonial Government, reported on page 276, "Law Journal," 1895. The second argument employed was that, should the Court consider the first one insufficient, and should the Court hold that Law 26, of 1896, was valid, that even that law, according to Art. 5, did not empower the President to act as he had done in the matter. Art. 19 of the Grondwet assured the liberty of the Press. The Volksraad which passed the Grondwet of 1896 passed Law 26 of the same year,

and the Raad should be presumed to have known that the restrictions in the latter ought not to be in conflict with the former, as, otherwise, they would be making a law one day, and the next day they would be passing another contradictory to the former, and this was not common sense. It was argued that Art. 5 gave no power to suppress what had not been printed but only what had already been printed. The State Attorney, in his argument, denied that the President had performed a judicative action, but said the President had only exercised a police right (politierecht), as understood by a well-known legal term. His chief argument, however, was that the application was premature, and that it did not matter whether the order was wrongfully served or not. If the order was a wrongful one the applicants could have continued in their ordinary way and could have disregarded it, and therefore there would have been no reason for them to come into Court. If the order was a proper one, then applicants would anyhow have been out of Court. The applicants could have discovered their position in a lower court. If they continued to publish the " Star " an action would probably have been instituted against them, and then it could have been discovered, in the Lower Courts, whether the President was entitled to act as he did or not. Viewed from this standpoint, the State Attorney contended that the applicants were only making an attempt to obtain advice from the Judges, and thus to bring pressure to bear on the lower courts. He further contended that the President's order only prevented the circulation, and not the printing of the " Star." Mr. Wessels had replied to the State Attorney's argument that if the President had exercised a police right, then the only course applicants had before them was the one they followed, namely, to come into Court. They had to submit to the actions of the police, and thereafter betake themselves before a Judge for redress if they deemed such was due to them. When I considered the arguments (Judge Ameshoff continued), I came to the conclusion that the first portion may safely be left out of the question. The Sigcau case is not quite applicable here. In that case the Chief Justice of the Cape Colony made no use of a sub-division of the testing right by investigating what were limits to the delegation of legislative power given by Parliament to the High Commissioner to make laws for Pondoland, and by finding that the said delegation gave no power to make special laws aimed at a special individual, by which, moreover, the Law Courts were excluded. The answer of the State Attorney appears to me weak and unsatisfactory. He made the suggestion that the action of the President in this matter was merely the exercise of a police right, while, in explaining this, he declared that he had not come into Court to enlighten us as to the meaning of such a well-known law term as police right. There is no general principle as to what should be included in police right, or what should be understood by it ; only what should not. There are many divergent opinions as to where was the boundary, and the Court could not, and would not, be led by such an unsupported argument. I will go over the second part of the argument, which means an interpretation of Art. 5 of Law 26, 1896, as was laid down in the Hess case. The law in this case must be strictly interpreted to the letter, and, that being so, there can be only one explanation possible. The contention of the State Attorney that the word " printed " can be qualified, chiefly owing to the editing of Article 1, I do not consider feasible, because the following words, " or publication " (*of uitgave*) must also be given their proper meaning. The word "*of*" (or) can only have two meanings. It may mean or publish or the contrary. It is highly probable that when the Legislators adopted the word "*of*" in the sense of " drukken of uitgave " (print or publish) they meant the word " en " (and). A second argument of the State Attorney was that the order of the State President did not prevent the applicants from printing, but only the circulation. This argument I cannot accept. I will deal with the State Attorney's chief argument, namely, that the application is unnecessary and premature, and that the Court should not give the applicants advice. The arguments in this matter appear strange. It appears from the statement of the State Attorney that the State President, the highest official of the State, was entrusted with certain power by the representatives of the people. The President, using his discretion, exercised that power The applicants in this case, although believing that the power was wrongfully and unlawfully exercised, elected not to disobey the order, but applied to the Judges, and now this was cast up against them. If the action of the President was unlawful, the State Attorney said, they should have disobeyed the order, and no one would have prevented them, as the State Attorney was free and unfettered in the exercise of his discretion regarding prosecutions, and he would not have prosecuted. Applicants ought to have awaited the further action of the State Attorney, which was unknown to them. This is untenable. It is to be presumed that the State Attorney has advised in this question,

and was therefore of the same opinion as the State President, although that does not affect the case. In the one case the applicants would be in the position of treating the President's order with contempt, and in the other they would be liable to a criminal prosecution. Had they waited until they were prosecuted, what would they have gained? The same. It seems to me that this argument is likewise untenable. I have said that Art. 5 can only be capable of one interpretation, and by that I mean that the President is only empowered to suppress matter already printed and publish ed, and that the article gives them no power to prevent matter being printed in the future; and that being so, the President was not entitled to issue the order quoted, and that applicants are entitled to redress. There is no provision in Law 26 as to the way in which the State President is to issue an order of suppression. The President has elected to act by means of issuing an order which is equal to a proclamation. It will be best, therefore, to follow the precedents of this Court, as laid down in the cases of the United Langlaagte Company *v.* the State and the Langlaagte Royal and the Gold Mining Companies, reported in our official reports. The order of the President must thus be set aside, and applicant is entitled to the costs of the application. Judge Morice concurred.

No. 13.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received June 5, 1897.)

[*Answered by No.* 14.]

Government House, Cape Town,
May 13, 1897.

SIR,

WITH reference to your telegram of the 24th April last,* and to previous correspondence relative to the suppression of the "Critic," I have the honour to enclose, for your information, a copy of a despatch from Her Majesty's Agent, covering a copy of a note from the Acting State Secretary of the South African Republic, conveying the reply of that Government to the representations made to them by Mr. Greene, on behalf of Her Majesty's Government, on the subject.

I am sorry that, owing to the great amount of pressing work with which I have had to deal since my arrival in Cape Town, I have not had time to acquaint myself sufficiently with the details of this case to be able to offer any opinion with regard to it.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 13.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER Cape Town.

SIR,

Pretoria, May 10, 1897.

WITH reference to my telegram of to-day, I have the honour to transmit to you Excellency herewith a translation of a note which I have received from the Acting State Secretary in reply to the notes which I addressed to the Government of the South African Republic on the 24th of February and 26th of April, with reference to the suppression of the "Critic" newspaper.

Your Excellency will notice that this note maintains the view that the President was justified in prohibiting the circulation of the paper, contends that there is no ground for the allegation that Law No. 26 may be improperly enacted or unconstitutional, and so void, and asks for a copy of the explanatory statement furnished to the Secretary of State by Mr. Hess's solicitors.

No allusion is made in the note to the recent judgment in the case of the "Star," to which I had called the attention of the Government as instructed in my note of the 26th ultimo.

I have, &c.,
CONYNGHAM GREENE.

His Excellency the High Commissioner,
&c., &c. &c.

(Translation.)

Ministry for Foreign Affairs, Pretoria.
May 7, 1897.

SIR,

IN acknowledgment of your note of the 26th of April, and in further reply to our note of the 24th of February, in which, with a statement of your reasons, you

* No. 11.

protested in the name of Her Majesty's Government against the prohibition, issued by his Honour the State President, of the circulation of the newspaper the "Critic," I am now instructed to state that his Honour the State President, with the advice and consent of the Executive Council, in virtue of Law No. 26 of last year, has the right to forbid a circulation such as this, when the contents "are, in his judgment, dangerous "for the order and peace in the Republic."

This prohibition may, according to the law, be entire or for a specified time. The prohibition issued in this case runs only for a period of six months, and I am instructed to add that, according to the judgment of his Honour the State President and the Executive Council, this prohibition, taking into consideration all the circumstances of the case, was most certainly justified.

I am further instructed to say that the Government can hardly imagine what good grounds there can be adduced for the allegation that the law should be without force as being not properly enacted or as unconstitutional.

It is with all that possible that Mr. Hess, looked at from one point of view or another, may find occasion to have recourse to the courts of the land, which naturally are open to him. The Government takes note of the fact that Mr. Hess's solicitors have submitted a full explanatory statement of the case to Her Majesty's Government.

Having regard to the desirability that this Government should take this statement into consideration, and in order that it may reasonably be placed in a position, with an eye to the statements included therein, to give further consideration to these matters, and if possible and necessary to refute them, I am instructed to make a request for copy of this explanatory statement.

I have, &c.,
C. VAN BOESCHOTEN,
Acting State Secretary.

His Honour Conyngham Greene, C.B.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, December 11, 1897.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th of May* containing the reply of the Government of the South African Republic to the representations made to them by Her Majesty's Agent on behalf of Her Majesty's Government with regard to the suppression of the "Critic" newspaper. This reply can scarcely be expected to furnish a satisfactory answer, inasmuch as it contains little more than an assertion that the President had the right to suppress the newspaper and that his action in the case was justified. I am at a loss to understand how the former plea can now be put forward in view of the judgment of the High Court of the South African Republic in the case of the "Star," delivered on the 14th of April, 1897,† in which it was laid down that the law No. 26 of 1896 does not empower the President to suppress the publication of matter not already printed and published.

I request that you will point out to the Government of the South African Republic that it is a necessary conclusion from the judgment in the case of the "Star" that the President was not entitled to issue the order suppressing the "Critic" for six months. You should also point out that there has been nothing in the antecedents of the "Critic" to justify the making of such an order even if there were power in a proper case to make it. You should inform the Government of the South African Republic that Her Majesty's Government are compelled to put forward a claim for compensation to Mr. Hess, the proprietor of that newspaper, for the losses he has suffered in consequence of the illegal action of the Government of the South African Republic. Her Majesty's Government will be content to leave the amount of that compensation to be fixed by an assessor to be named by you on behalf of Her Majesty's Government and by the President of the South African Republic; but the Government of the South African Republic should be asked to pay any reasonable costs to be incurred by Mr. Hess in establishing his claim before the assessor, the amount of such costs, if disputed, to be settled by the assessor. It should be provided that Mr. Hess's evidence may be taken in England before a Commissioner or otherwise should the assessor require him to give evidence, and should he decline to go out to South Africa for the purpose.

I have, &c.,
J. CHAMBERLAIN.

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* No. 13. † *See* No. 12.

No. 15.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received March 5, 1898.)

Government House, Cape Town,
February 16, 1898.

Sir,

With reference to my despatch of 21st July last,* I have the honour to transmit, for your information, a copy of a despatch from Her Majesty's Agent at Pretoria, enclosing a draft law which is intended to replace the Aliens Expulsion Law (No. 25) of 1896.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 15.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Her Majesty's Agency, Pretoria,
February 9, 1898.

Sir,

Your Excellency will recollect that in my despatch of the 16th of July last, I reported that a motion proposed by the Member for Middelburg had been carried in the First Volksraad, to the effect that no person referred to in the Aliens Expulsion Law, No. 25, of 1896, should be banished before having been found guilty by the Courts of the Republic, and that the law had been referred back to the Government to be amended accordingly.

Your Excellency will, I trust, agree with me in thinking, from a perusal of the new draft law to replace No. 25 of 1896,† that the Government have not carried out the instructions of the Volksraad, and that the objections pleaded against the original measure are practically maintained in the revised Law. The first addition that is made to the Law, namely, that to Article 1, repeated too in Article 2, is enigmatically worded thus:—"After that the person concerned has been given an opportunity by the Government to bring forward his interests." Nothing is said about the person being allowed to go to the Courts of the country, as suggested in the Volksraad Resolution, but merely that he may represent his case to a Tribunal apparently consisting of the State President and the Executive Council, acting with the advice of the State Attorney, and this only by consent of "the Government," which consists technically of the State President and the State Secretary. Considering that we may assume that the charge against the alien in question will in all probability have been brought at the instance of the above-named functionaries, it follows that the alien will be both accused and judged by the same authorities.

The second addition, namely, the words "and six" in the third clause seems to me to have no practical value, since the Article in question merely refers to the nature of the punishment to be inflicted on a person who, when banished, refuses to obey the order or who returns before the period of his banishment has expired. It is difficult to see what benefit is to be derived by the alien from the addition of this Article in Clause 3 of Article 1.

The third addition, in Clause 4 of Article 1, namely, "or the Executive Council" alters the Article so that the Executive Council, as well as the High Court, may decide whether the objections raised by the accused person, and referred to in that clause, are baseless or not.

The fourth addition is merely a repetition of the words added to Clause 1 of Article 1.

The fifth and last addition enacts that the new Law supersedes Law No. 25 of 1896, which is repealed.

Having regard to the above, I venture to think that the new enactment is not a great improvement on the old. It certainly does not fulfil the spirit of the Volksraad Resolution of July 15th, since it entrusts to the President and Executive the judicial powers which it was recommended by that Resolution should be exercised by the Courts of Law. It of course remains to be seen what action the Volksraad will take upon the new measure should it ever be presented to the Chamber, but, judging by the number of

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* No. 5 in [C. 8721].

† Translation printed in No. 58 in [C. 8423].

Bills which were drafted but never came up for discussion in the course of last session, it is quite possible that the present measure may share a similar fate.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 16, 1898.)

SIR, Government House, Cape Town, April 25, 1898.

I HAVE the honour to enclose for your information, a copy of a despatch from Her Majesty's Agent on the subject of the suppression of the "Critic" newspaper.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency,
SIR, Pretoria, April 22, 1898.

WITH reference to my telegram of to-day, I have the honour to enclose a translation of a note which I have received from the Government of the South African Republic, of yesterday's date, in the matter of the "Critic" newspaper.

Your Excellency will notice that the note makes no allusion to any of the arguments contained in my note of the 19th of January*, but merely refers me to the reply of the Transvaal Government, dated May 7th of last year, and states that if Mr. Hess considers that he is able to make good a claim for damages against this Government, it is for him to have recourse to the courts of law of the Republic.

I have, &c.,
CONYNGHAM GREENE.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c. &c. &c.

(Translation.)

SIR, State Department, Pretoria, April 21, 1898.

IN answer to your note of January 19th last, with reference to the "Critic" affair, I have the honour to refer you to the reply of this Government dated May 7th last year, and to inform you that this Government has again had the matter under its consideration, and adheres to its decision, that, in case Mr. Hess considers that he is able to make good a claim to damages from this Government in consequence of the suppression of his newspaper, it is for him to have recourse to the law courts of the Transvaal, in order to submit both the question of his right to, as well as the amount of, compensation to these law courts.

I have, &c.,
(For the State Secretary) C. VAN BOESCHOTEN.

To His Honour
Conyngham Greene, Esq., C.B.,
Her Majesty's Agent, Pretoria.

No. 17.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 1, 1898.)

(Extract.)

Government House, Cape Town, June 15, 1898.

I THINK it desirable to recapitulate the several stages in the legislation of the South African Republic with regard to the expulsion of aliens, and the communications

* Not printed. The note embodied the substance of the Secretary of State's Despatch of 11th December, 1897 (No. 14).

which have been passed between Her Majesty's Government and the Government of the South African Republic on this subject.

In July, 1896, a Bill was submitted to the Volksraad, by which power was given to the State President, acting with the consent of the Executive Council, to expel any stranger "dangerous to public peace and order" from the territory of the Republic, or to assign to such a person a definite place of residence within the Republic. The stranger so dealt with was to have no recourse to the Courts of Justice against such order. Burghers, on the other hand, were not to be expelled except by judicial sentence.

The Acting High Commissioner (General Goodenough) after having consulted his Legal Adviser, instructed the British Agent to inform the President that he (the High Commissioner) was advised that the proposed measure was inconsistent with the letter and spirit of the London Convention, and to suggest that as the matter was under the consideration of Her Majesty's Government, "no definite action by way of passing the measure should be taken."

Within a few weeks of the receipt of this communication, the Volksraad passed the Bill. Some verbal alterations had been introduced into the draft, but in all its essential features the law (No. 25 of 1896) was the same measure which Mr. Searle had declared to be a flat breach of the Convention, and to which the High Commissioner had objected in the manner already stated.

On the 22nd December, 1896, the British Agent, acting under the instructions of the High Commissioner, communicated to the President and Executive Council the views of Her Majesty's Government with respect to the Aliens Expulsion Law, which were to the following effect:—

"Her Majesty's Government, in view of Article 14 of the London Convention of 1884, cannot admit the right of the Government of the South African Republic to expel or restrict foreigners who are not shown to have failed to conform to the laws of the Republic, and they reserve the right to object to any proceedings under Act No. 25 of 1896 which may amount to an infraction of the London Convention."

These views were subsequently reiterated in almost identical terms by you in that passage of your despatch of March 6th, 1897,* which dealt with the Aliens Expulsion Law. This despatch was communicated to the President on April 15th, 1897.

In the long despatch of the State Secretary dated 7th May, 1897,† replying to your two despatches of March 6th, 1897,‡ the Government of the South African Republic, while maintaining its right to pass the Aliens Expulsion Act and denying that it was inconsistent with the Convention, went on to say: "This Government willingly concedes that Her Majesty's Government has the most perfect right to remonstrate against an unreasonably or unjustly harsh application of the law to any British subject."

There the matter rested for some months. On the 15th July, 1897, however, a motion was carried in the Volksraad in favour of the revision of the law, on the ground that the power of expelling even a stranger should not be left to the Executive, but should only be exercised by a Court of Law.

In your despatch of October 16th, 1897,§ which contained a full reply to the long despatch of the Government of the South African Republic of May 7th above referred to, you alluded to this proceeding in the following terms: "Her Majesty's Government have been glad to learn that the Volksraad has passed a resolution in favour of an amendment of the former of these laws" (*i.e.*, the Aliens Expulsion Law) "which they trust may be of such a nature as to remove the danger of a breach of the Convention."

The hope thus expressed was unfortunately doomed to disappointment. The Executive did, indeed, at the beginning of this year submit a law to the Volksraad "amending" Law 25 of 1896. But this new measure contained all the objectionable features of that law, differing from it only in being somewhat longer, and, in respect to some of its ancillary provisions, more obscure. This "amending" Bill has now in its turn become law and taken the place of Law No. 25 of 1896. It provides, like its predecessor, that the President can, with the consent of the Executive and after consulting the State Attorney, expel any stranger "dangerous to public peace and order" or assign to him a particular place of residence within the Republic, without his having the right to appeal to a Court of Law against such expulsion or restriction. The right of any stranger to live in the Republic or to move freely within its border is thus still left at the mercy of the Executive.

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* No. 120 in [C. 8423]. † Sub-enclosure in No. 3 in [C. 8721], February, 1898.
‡ Nos. 120 and 121 in [C. 8423]. § No. 7 in [C. 8721].

My only object in writing this despatch is to place on record a concise summary of events which seem to me to be full of instruction and which may some day have important consequences.

No. 18.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 11, 1898.)

SIR, Government House, Cape Town, June 21, 1898.

I HAVE the honour to enclose for your information, with reference to my despatch of the 15th instant,* a copy of a despatch from Her Majesty's Agent, on the subject of the new Aliens Expulsion Law of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 18.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, June 14, 1898.

WITH reference to my telegram of to-day, I have the honour to enclose a report† of the proceedings of the First Volksraad, on the 10th and 13th instant, when the new Aliens Expulsion Law was carried as drafted.

As I have already forwarded a copy of the draft measure, and endeavoured to analyze its provisions in my despatch of February 9th, I will merely here notice a few points in the Debate.

At the opening of the discussion, Mr. de la Rey asked whether, in view of the suspension last year of the Aliens Immigrants Law, the present law was not contrary to the London Convention. Mr. A. D. Wolmarans replied that the measure was an internal one, with which no foreign power had anything to do. The Immigration Law, referred to by the last speaker, had, he said, not been suspended in consequence of any correspondence with England, but in order to come to an arrangement with the neighbouring States. The Chairman supported the view that the law was an internal measure, and said that the State had the right to expel dangerous individuals who sowed dissension.

The State Secretary, in reply to an enquiry, declared that the Government were perfectly entitled to put such persons over the border without saying where.

Mr. Tosen protested against the suggestion that the law was contrary to the London Convention. "Let us show," he said, "that we are a free people by passing this law, whether it is acceptable to our neighbours or not."

The title and introduction were agreed to, and on the discussion of Article 1, Mr. Loveday maintained that, as the offences of which persons could be accused would be political offences, it was improper that the Executive Council, itself a political body, should be both judges and prosecutors at the same time. Moreover, the amended law violated Article 6 of the Grondwet, since it differentiated between burghers and strangers; and further, it gave to the President and Executive powers that were vested by the Grondwet in the Courts of Law. Mr. Jan de Beer supported the view that the High Court, and not the Executive, should decide the guilt of an incriminated person.

Mr. A. D. Wolmarans declared that the Executive Council ought to have the right to banish mischief-mongers and traitors, as the independence of the country depended upon that Council. The Chairman denied that the law violated Article 6 of the Grondwet The country must, he said, be protected. The country had enemies; the Jameson Raid must not be forgotten; the law was necessary for the independence of the Republic.

Mr. Lucas Meyer, on the other hand, asked the House to be consistent, and to act up to the motion carried last Session, instructing the Government to draft a measure which should give the accused access to the Courts of law. (My despatch of July 16th, 1897‡.)

Mr. Schalk Burger said that the law had a certain object in view which could not be attained in case persons could appeal to the High Court. The object of the law was to banish certain persons who, while not exactly having committed a punishable offence, were yet dangerous to the peace of the country. At the request of Mr. A. D. Wolmarans,

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* No. 17. † Not printed ‡ *See* page 17 of [C. 8721], February, 1898

the opinion of the late State Attorney was then read, which was to the effect that such political offenders as were provided against in this law never came before the Courts in other countries. When the discussion was closed, a motion was carried by 17 votes to 5 to pass Article 1 as printed.

Article 2 was then considered, Mr. Loveday upholding the same objections to it as those put forward against Article 1, and contesting the opinion of the State Attorney that accused persons had not access, in foreign countries, to the Courts of Law. Finally the Article was passed by 14 votes to 6, and the remaining clauses were accepted without discussion, including the Article providing that the law take effect immediately after publication.

I may inform Your Excellency that nearly all the newspapers had published pre-monitory articles condemning this law, and urging the Volksraad not to insist on the measure. Even the "Standard and Diggers' News," the Government subsidized organ, had remarked, "We deeply regret that the measure has come before the Raad. A measure which will be certainly interpreted as revolutionary and anti-Uitlander, and which will certainly become the basis of international dispute, should be avoided. We believe that the execution of the law might easily involve the Government in another conflict with the High Court, and it would certainly alarm and irritate many people who are friendly to the State."

In conclusion, I will only add that the general opinion seems to be that the passing of the measure, having regard to the protest recorded by the Secretary of State in his despatch of October 16th last, and even earlier, marks another step in the policy of exasperating the Imperial Government, while, as regards the foreign community resident in the Republic, it is, I think, looked upon as an attempt to intimidate, or at any rate to fetter, the Uitlander population in the pursuit of any constitutional efforts to obtain the redress of their grievances, if not even in the discharge of their ordinary business avocations. It remains to be seen whether the sword thus suspended will really be allowed to fall, and whether the law be put in force.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
Sir A. Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

No. 19.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received October 10, 1898.)

SIR, Government House, Cape Town, September 21, 1898.

I HAVE the honour to enclose for your information, with reference to previous correspondence, a copy of a despatch from Her Majesty's Acting Agent on the subject of the promulgation of the amended Press Law of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 19.

ACTING BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 15, 1898

I HAVE the honour to inform Your Excellency that, after a delay of three months, the amendments to the Press Law (No. 26, of 1896*) have at length been published in the "Staatscourant," and become law. The dissatisfaction expressed by all sections of the Transvaal Press at this measure when it was passed by the Volksraad are repeated now, and I enclose a protest which appears in the Government's own organ, the "Standard and Diggers' News."

The newspapers have as yet not altered their method of publishing their leading articles anonymously, and Your Excellency will observe that the above-mentioned paper proposes to leave matters as they are, and that the law should be obeyed by the existing announcement of the responsible editor's name at the end of the paper.

I have, &c.,
EDMUND FRASER.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

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* Printed in No. 68 in [C. 8423.]

The Press Law.

Law No. 14, 1898,

Amending Law No. 26, 1896.

The following are the amendments to the Press Law, passed by the First Raad on June 13, 1898, and published in the "Staatscourant" of yesterday:—

Article I.—Article III. of the said Law is amended as follows:—

Periodical publications, published in the Republic as newspapers and periodicals, must bear on every copy the name and residence of the responsible editor.

The responsible editor must be a person having his permanent residence in the Republic.

All articles of a political or personal nature appearing in such publications must be signed by the writer with his full and true name.

Should articles appear in conflict with the preceding paragraph, the responsible editor and publisher shall be subject to the punishment determined in Art. 9, of Law No. 26, 1896.

The publisher is bound to send a copy of the publication to the State Secretary, as soon as possible after publication.

Article 2.—The following shall be added to Article 4, of Law No. 26:—

When the publisher or owner is a company, syndicate, or other body, the name of the local manager or representative must appear thereon.

Article 3.—Article 7 of the said Law is amended as follows:—

When a criminal action is committed by means of any periodical publication, the responsible editor or printer shall be punished as the culprit, no matter whether he be the writer or not.

Article 4.—In Article 9 of the said Law, sub-sections *b* and *c* are amended as follows:—

b. The responsible editor and the publisher, for contravention of Article 3. of Law No. 26, 1896, as amended above in Article 1.

c. The publisher, for contravention of Article 4. of Law No. 26, 1896, as amended above by Article 2.

Article 5.—Between Article 9 and Article 10 of the said Law, a new Article (9A) is inserted, reading as follows:—

Where, in this Law, the printer and the publisher are liable to punishment, and it appears that the printer or publisher is a company, syndicate, or other body, each local manager, a representative of such company, syndicate, or other body, may be prosecuted as the printer or publisher.

Article 6.—This amendment comes into force immediately after publication.

"Standard and Diggers' News," September , 1898.

The Press Law.

In spite of the urgent representations of a unanimous Press, the Volksraad have seen fit to publish the Press Law with the new amendments. No one knows exactly what it means, but it is certain that journalists cannot fill their sheets with the thousand and one names of their contributors on "political and personal" matters. "Politics," in the scientific sense, concerns the whole life of an individual in society; it includes Ethics. What a "personal" matter may be is little less vague, "personality" is the chief crux of modern philosophers. We take it that the Expulsion Law and the Law of Libel will cover all possible cases of offence. At the end of this paper stands the imprint bearing the names of the Printers and Publishers and of the Responsible Editor. These must be considered as fulfilling the terms of the Law. No malicious attack upon any person will be permitted to appear over a pseudonym. The Editor, by the mere act of placing them in his paper, takes the responsibility of all articles before the Law. It may be that the Press Law is as useful as the Expulsion Law, and will operate, by its inoperative existence, as a deterrent to seditious and malicious journalism. The amendments seem to occupy unnecessarily valuable space in the Statute Book.

SECTION III.—MUNICIPAL PRIVILEGES AND EDUCATION.

No. 20.

HIGH COMMISSIONER to COLONIAL OFFICE.

(Received October 11, 1897.)

Government House, Cape Town,
September 20, 1897.

SIR,

IN the absence of His Excellency the High Commissioner, I have the honour to enclose, for the information of the Secretary of State, a copy of a Despatch from Her Majesty's Agent on the subject of the Municipal Law for Johannesburg.

I have, &c.,
C. T. DAWKINS,
Acting Secretary to High Commissioner.

Enclosure in No. 20.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR,

Pretoria, September 11, 1897.

I HAVE the honour to transmit to your Excellency herewith a translation of the Municipal Law for Johannesburg, the original of which was enclosed in my Despatch of the 10th instant.

As your Excellency is aware from the first of my above-mentioned despatches, the law, although nominally coming into force immediately on publication, will not be put into operation until about January next.

Judging by the accompanying leading article* from the "Star," which may be taken to represent the views of the Uitlander population of Johannesburg, the law, as it stands, "is wholly unworkable, bristles with defects, limitations, and inconsistencies, "and makes the status of the inhabitants of the town much inferior to what it was "under the regime of the very imperfect and much abused Sanitary Board." Sept. 4.

Even the "Standard and Diggers' News," the Government gazette for the Witwatersrand, is obliged to confess that "those who were prepared to welcome their "promotion to municipal dignity are dismayed at the conditions, intentionally or "inadvertently, embodied in the new law." Sept. 8.

It appears to me that the law is open to the objections which I had the honour to point out in my original report on the subject of the 31st December last.

The powers nominally vested in the town council are practically so restricted by the composition of that body, the voting qualification which favours burghers, the discretionary powers of the burgomaster, the absence of due provision for maintaining a revenue for municipal purposes, the vagueness of its borrowing powers, the necessity of perpetually obtaining the approval of the Executive, &c., &c., that it seems as if the only result would be a hopeless imbroglio in which the last state of Johannesburg will be worse than the first.

I presume that some efforts will be made to obtain the amendment of the provisions which are objected to as impracticable, although it would appear from the accompanying report of an interview with the Chairman of the Sanitary Board that both the second Volksraad and the Executive have already been approached on the subject, but without result, and, pending some such further action, it is better to defer a final judgment. As it stands, however, the new law does not appear to command the confidence of the public. A temporary difficulty has arisen owing to the fact that the Sanitary Board, who have the right to overdraw their banking account to the extent of £50,000 on the Government, have exceeded this legal overdraft, and must now either suspend all the public works on which they have embarked, or obtain authority to raise such further sums as may be necessary to continue them. To meet this difficulty a deputation from the Sanitary Board waited on the Executive on Friday, and asked the Government to increase the overdraft to £100,000, as otherwise they would be obliged to discontinue the public works at present being executed at Johannesburg.

* Not printed.

The Executive have promised to give the deputation a reply in the course of this week.

I have, &c.,
CONYNGHAM GREENE.

His Excellency the High Commissioner,
&c., &c., &c.

P.S.—Since the above was written the Government have informed the Sanitary Board that a special resolution has been passed authorising the increased overdraft.

An extract from the "Press"* is enclosed.

September 15, 1897.

C. G.

"STAR," September 3, 1897.

MUNICIPALITY LAW.

The Translated Document.

The following is a translation of the new municipality law (as appearing in the "Johannesburg Times") from the original published yesterday in the "Staatscourant":—

The municipal law for the town of Johannesburg was promulgated yesterday, by publication in the "Government Gazette." It will not, however, come into operation for a few days, until the boundaries of the municipality are defined. The following are the provisions of the law:—

Article 1. The management of the town of Johannesburg shall be carried on by a town council, consisting of, at the most, 24 members. The half of the members of this council shall be burghers of the South African Republic, who comply with the demands stipulated in Article 9.

For each ward at present in existence under the jurisdiction of the Sanitary Board two members shall be chosen.

A new division of wards can be made by the said town council during the first year.

The boundaries of the town of Johannesburg shall be fixed before the coming into operation of this law by the Executive Council of the South African Republic, and can be be revised further from time to time.

2. The chairman of the council shall have the name of "burgomaster," and shall be appointed by His Honour the State President for a period of five years, and can be thereafter re-appointed, but can be dismissed at all times by his Honour the State President. The salary of the burgomaster shall be paid by the Government.

He shall, in the daily government of the town, be assisted by two or more (aldermen), to be appointed by the council from amongst its members.

The burgomaster and aldermen form the daily government or executive power of the town.

They are assisted by a secretary and receiver of revenue, who are appointed by the council, but cannot be members of the council.

The town council shall also have the right to appoint its own town police, subject first, however, to the approval of the Executive Council in consultation with the State attorney.

The town council shall also have the right to appoint sub-committees amongst its number, and to fix the work, duties, and powers of these sub-committees.

The council can, moreover, appoint such officials as may from time to time appear necessary.

3. The members of the council are chosen by the male white inhabitants of the town of Johannesburg who are of age, and who have settled there with the intention of residing at least three months before the election.

a. Who are burghers entitled to vote.

b. Who are owners of a stand or a building of the value of at least £100, with this proviso, that loss of this property is immediately followed by loss of right to vote.

c. Who pay a yearly house, office, or apartment hire of at least £50.

4. Once every three years a valuation of fixed property shall be made by a committee to be appointed by the council.

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* Not printed.

Until the new valuation has taken place the former valuation holds.

In case any person shall consider himself injured by the decision of the committee in regard to the valuation of his property, he shall have the right, within 14 days after the decision of the said committee, and after having given notice to the council thereof, to appeal to a qualified court of the State.

5. The ordinary time for the election of the town council shall be on the first Wednesday of the month of November of each year.

6. The election to fill up the places which become vacant owing to discharge, death, or for any other reason, takes place within two months after such vacancy, on a day to be fixed by the burgomaster and aldermen.

7. The election shall take place in the manner as herein-after fixed by law.

The members are chosen by the majority of votes cast for them in each ward.

No one shall, however, be considered as elected who has not obtained at least 50 votes.

If the votes are equal it must be decided by lot.

The election takes place by closed voting papers, " ballot."

8. The person elected gives notice, within 15 days after he has been informed by the secretary of the town council of his election, that he accepts the appointment.

Not having given notice within this time, he is considered not to have accepted the appointment.

9. As members of the town council shall alone be eligible, male white persons, of full age, who have fixed themselves in the town of Johannesburg with the intention of residing there at least three months before the date on which their election is fixed, and who are owners or lessees of one or more stands or buildings situated there of the value of at least £200, and who are not excluded by the following article :—

10. The position of member of the council cannot be held by persons who are in the service of the council, whether they receive a fixed payment or not.

Further, no State officials can be appointed as members of the town council.

Differences arising out of this article shall be investigated and decided upon by the Executive Council of the South African Republic, unless the Executive Council refers them to a qualified court.

11. The members of the council may not be employed as advocates or attorneys in law suits in which the town is concerned, and neither directly or indirectly take part in or have an interest in, private letting of town property or income, or in any other way obtain or earn money of the council.

All tenders for work or material to be delivered or done on behalf of the town council shall be opened at a meeting of the council, which is open to the public, and be initialled and signed by the burgomaster.

Those who act contrary to these terms must be suspended by the council until such time as a competent court shall have decided on the validity of the complaint.

12. The members of the council retain their seat during two years.

The half of them retire each year according to a list to be fixed by the council. The period within which each member shall retire according to the list shall be defined by lot.

Each member elected in place of another whose term of office has not yet lapsed retires at the time on which his predecessor would have had to retire.

13. The council investigates everything which has reference to the election of its members, and decides the differences, subject, however, to appeal to the High Court of the South African Republic.

The newly elected members take no part in the investigation, and are not present at the consultations held concerning the same, but can, if necessary, be heard as witnesses.

The decision of the council must set out the reasons for same, on penalty of nullity.

14. The council meets at least once per month, in terms of regulations to be hereafter made by the town council.

The burgomaster has at all times the right in special cases to call a meeting of the council.

15. The meetings are public unless the majority of councillors present or the burgomaster consider it necessary to hold the meeting with closed doors.

Proper minutes must be kept in the Dutch language of the proceedings of all meetings.

16. In a meeting held with closed doors the following can be discussed, but cannot be decided upon, namely :—

a. The admittance of newly appointed members.
b. The budget.
c. The collection, alteration, or abolition of taxes.
d. The effecting of loans.
e. The bonding, disposing of, or the granting the use of town properties.
f. The (private) letting, leasing, or granting the use of these properties.
g. The private contracting for work or supplies.
h. Any other matter which the council may consider advisable.

17. No member of the council is criminally liable for his vote or opinion expressed at a meeting.

18. The quorum of the council consists of one member more than the half of the total number chosen.

The members of the council present, however, not less than nine in number, are competent to do business when, after the second calling of a meeting, no quorum is present.

19. All resolutions are taken by a majority of votes.

On equality of votes the taking of the resolution must be postponed to the following meeting. If the votes once more are equal, the proposition is considered to have lapsed.

On all matters the voting shall take place by each member being called up for his vote which he shall give verbally; but at the making of appointments or recommendations for appointments by closed and signed voting papers if the council shall so decide.

The council fixes in other respects its own rules of order, subject to the approval of the Executive Council of the South African Republic.

20. The members of the council shall receive no pay or compensation for the attendance at the ordinary meetings of the council, but can receive compensation for official services in connexion with the business of the council, such payment to be fixed by the council.

21. The person eligible to be burgomaster must be a fully enfranchised burgher.

The burgomaster shall not do any other business whatsoever.

22. The burgomaster, aldermen, and the members of the town council are exempt from commando service.

They are, however, not exempt from payment of the war expenses, if this is necessary.

23. The burgomaster is the chairman of the council, and has as such an advisory vote.

24. The burgomaster receives and opens all officially directed letters and documents to the council or to the burgomaster and aldermen, save and except tenders, which shall be opened before the full council.

He signs all documents which are issued by the council or by the burgomaster and aldermen, and is responsible for the carrying out of the same.

Resolutions, in his opinion, contrary to the law he need not carry out.

On any such difference arising, he is obliged, within two days after the day on which such resolution has been taken, to send a request, accompanied with reasons, to the Executive Council of the South African Republic, asking for a decision concerning the legality or otherwise of the resolution of the council.

Lawsuits, whether as plaintiff or defendant, must be conducted in the name of the burgomaster.

The council decides by a majority of votes whether the town shall institute an action or shall defend an action.

25. The burgomaster must, after his appointment, reside at Johannesburg. He may not be absent for longer than three days without the leave of the council.

26. During the absence of the burgomaster, the oldest alderman shall take his place.

27. The duties of the aldermen, as well as those of the secretary, the receiver, and other officials of the council, are fixed by instructions of the council.

28. The town council shall have the right to make all regulations which are required in the interests of safety, public order, morality, and health.

The town council regulates the payment of the officials, and the sureties to be provided by officials, who are to deal with the board money, if the council shall require such surety.

The town council is entitled to purchase or hire houses or ground for town purposes, but first of all the approval of at least two-thirds of the inhabitants entitled to vote present at a public meeting lawfully called by the town council for that purpose, and the confirmation of the Executive Council of the South African Republic must be obtained.

The dominium of all fixed property belonging to the town is vested in the town council, without power of disposal, whether by way of sale, gift, lease, or otherwise, unless consent is given thereto at a public meeting of enfranchised inhabitants, lawfully called in terms of the previous paragraph, where at least one-fourth of the inhabitants are present, by at least two-thirds of the votes. Thereafter the approval is still necessary of the Executive Council of the South African Republic, which is fully entitled to refuse such approval.

The dominium in all movable property belonging to the town is vested in the town council, who can deal with same according to the requirements and interests of the town.

The town council must keep an inventory of all movable property belonging to the town.

The inventory made up to each January 1, with due notes of the differences between this and the former year, must lie for the inspection of the inhabitants entitled to vote, at the office of the town council in the month of January.

The town council may enter into agreement for the construction of public works and the delivery of necessaries, but no such agreement may be entered into for a sum in excess of £30 unless tenders are duly called for same.

The town council decides upon the hiring and leasing of town properties, and concerning the remission or reduction of the rent, if such may be necessary.

The squares, works, streets, and roads intended for public use at the time of coming into force of this law remain open for public use unless the closing of the same be approved of by the Government, but shall be managed and maintained by the town council.

Buildings, stands, and pieces of ground at present the property of the Government of the South African Republic remain the property, and shall be managed and maintained by the Government.

29. The Council has the power to provide for punishment against breach of its regulations, not to exceed imprisonment for 14 days, with or without hard labour, or a penalty of £25, or in case of coloured people lashes not to exceed 25.

The Landdrost shall have jurisdiction in cases of breach of town regulations, for which a punishment is provided, and from his decision there shall be an appeal to the High Court.

All fines shall be for the benefit of the town.

30. The burgomaster is obliged to acquaint the Executive Council of every alteration passed by the town council within four days after the day of the passing of same.

The Executive Council has the right, within one month from the date of the receipt of such notice, to decide that such a regulation shall not be enforced.

No regulations of the board shall be binding unless they are published in the "Staatscourant" at least fourteen days before their coming into force, and further in such manner as the town council shall consider necessary.

31. The Burgomaster and Aldermen shall cause a yearly compilation to be made of all regulations passed by the council and approved of by the Executive Council.

32. The income of the town shall consist of—in addition to the fines mentioned in the sub-clause 29—

a. The tax to be paid by every owner of a stand, or portion of a stand, or building, to be fixed by the town council, not to exceed, however, 3*d.* in the £ of the taxed value.

b. The rent for the use of town properties.

c. The licences for vehicles and theatres, market and pound fees.

Such other taxes as the town council may consider necessary to raise, in which case, however, the approval of the Volksraad is required.

The Volksraad resolution, granting such confirmation, shall not first require to be placed before the people for approval.

The town income is collected by the Receiver in the name of the Town Council,

33. All Government properties and properties exclusively used for religious or charitable purposes or for schools are exempted from this valuation and cannot be taxed.

34. The Council shall have the right to enter into loans and bind the town properties, when the previous approval of the Executive Council has been obtained.

35. The Burgomaster and Aldermen shall for each official year make an estimate of income and expenditure, and cause the same to be dealt with at least fourteen days before the beginning of the official year.

No moneys can be paid out for expenses which are not shown on the estimate unless the Town Council resolves the same in a supplementary estimate ; the members who have been privy to such payment are personally responsible for the same.

36. The Town Council shall cause proper books to be kept of the receipts and expenditure. The books shall on the first Wednesday of each month be open for the inspection of inhabitants entitled to vote.

The books and accounts of the Council shall be audited annually, or at such other times as may be found necessary, by two auditors appointed by the Council for that purpose from time to time.

The account of town expenditure and income shall be closed on 31st December of each year, and a copy thereof be placed, before the end of the following January, in the office of the Town Council for the inspection and investigation of inhabitants entitled to vote. This account must also be published in the "Staatscourant" in the month of January.

TRANSMISSION CLAUSES.

37. The latest valuation of the Sanitary Board and lists of voters in Johannesburg shall serve as bases for the first election of members of the Town Council.

All expenses, until the bringing into force of this law, shall be borne by the Town Council.

38. Immediately after the Council shall have been chosen and constituted for the first time under this law, the present Sanitary Board shall cease to exist.

All officials and persons in the service of the Sanitary Board shall pass over to the service of the Council, which shall, however, not be obliged to allow their present payment to continue, or to confirm them in their present appointments, subject to what is set forth in the following article :—

39. The Council takes over all assets, liabilities, and obligations of the sanitary board in existence at that moment.

40. The regulations of the present Sanitary Board of Johannesburg shall, in so far as they are not contrary to this law, remain of force and effect until they shall be revised or recalled by the Council.

41. The present Sanitary Board shall continue to act as such as long as the town council under this law shall not have been chosen or constituted.

42. This law shall come into force at a date to be appointed by the Government.

No. 21.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 4, 1898.)

SIR, Government House, Cape Town, March 16, 1898.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent on the subject of education at Johannesburg.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 21.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, March 5, 1898.

THE recently formed Teachers' Association held its first meeting at Johannesburg on the 26th of February, when Mr. J. Robinson, the Superintendent of the Witwatersrand Council of Education, delivered the inaugural address.

In the course of his remarks the speaker declared that there were hundreds of boys and girls growing up in the town without any acquaintance with the merest elements of

reading and writing. The Government failed in its duty in not enforcing compulsory attendance at school, in not coming to the aid of voluntary work, and in prescribing the use of the Dutch language. This, the speaker said, was a non-essential in education, and, if persisted in by this Government, would cause them to reap a harvest of crime and poverty. The language question was easily solved in the Free State, equal time being allowed to English and Dutch, and a similar system, if adopted in the Transvaal, would enable the young Dutchman to hold his own among the English section of the community. After referring to the need of providing education for the children of farmers in the outlying districts, Mr. Robinson concluded by observing that, until the necessary facilities were granted by this Government, and the teachers worked with the Government for a common end, union and peace could never be described as existing between education and the State.

In the debate which followed, Mr. van Bruggen, one of the Government teachers, stoutly combated Mr. Robinson's views, and, speaking with reference to the more liberal teaching of English in Dutch schools, asked "Why should we give pistols and swords into the hands of our enemies?"—a remark which was very properly greeted with laughter.

On the following day, Professor Mansvelt, the State Superintendent of Education, was interviewed by a representative of the "Press" newspaper with regard to the attitude of the Government on the question as set forth in the speeches at the above meeting, and made a statement, which was severely handled by Mr. Robinson in a similar interview by the "Star" newspaper a day or two later.

In these interviews Dr. Mansvelt professed that his Government had already established several schools on the goldfields, and elsewhere, where the medium of education was English, but which had not been well supported. He also referred to the defunct School Board of Johannesburg, and said that had it not been for the difficulties experienced with that body, the Education Department would have been able to do a lot more. In reply, Mr. Robinson declared that the dismissal of the Board, and the consequent break-up of a powerful, active, and energetic body of business men, indicated no real desire to improve things educational on the Rand. He concluded by expressing his desire to co-operate with the Government, but remarked that a recent letter to the Superintendent of Education had not even been acknowledged.

In connection with the above subject, the Estimates for Education came before the Volksraad on Tuesday, when £229,591 were asked for (a large increase on last year), including £50,000 for Uitlander education. This large sum would appear to be very promising, but must be taken with some reserve, since, according to the speech of the member for Barberton, £30,000 had been voted last year for schools on the goldfields, but only £3,050 had been spent.

Reports of the above speeches and interviews are annexed.*

"Star," Feb. 28 & March 2. "Press," March 1.

I have, &c.;
CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 28, 1898.)

SIR, Government House, Cape Town, May 9, 1898.

I HAVE the honour to enclose for your information, with reference to my despatch of 16th March last,† a copy of a despatch from Her Majesty's Agent on the subject of education in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

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* Not printed. † No. 21.

Enclosure in No. 22.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, May 4, 1898.

WITH reference to previous correspondence on the burning question of education in this Republic, my attention has been called to the draft alteration proposed to be made in Article 29 of Law No. 8 of 1892 (copy of which I enclosed in my despatch of February 5th,* in the "Staatscourant" of February 1st, page 176).

According to this suggested alteration, the requirement that teachers in State-supported town schools be duly qualified, is now to apply to teachers attached to schools on the proclaimed goldfields as well. As Your Excellency is aware, from my despatch of December 31st, 1896,† the fundamental law on education is at present Law No. 8 of 1892, which was subsequently modified, so far as the population of the goldfields is concerned, by Law No. 15 of 1896. I summarized the provisions of both these measures at the time, in my despatch above-mentioned, and pointed out that the position of the Goldfields Schools was, according to the latter of these laws, that of an exception, and that the Superintendent of Education was enabled to dispense with any of the requirements of the fundamental education law which he might think advisable. Turning now to the particular point at issue in the present instance, namely, the necessity for teachers on the Goldfields Schools to be duly qualified, it is clear that the contemplated alteration in Law No. 8 of 1892 is not an alteration of that law at all, but a partial repeal of Law No. 15 of 1896, inasmuch as it removes from the Superintendent of Education the option of dispensing with the certificates of qualification required by the fundamental law in the appointment of teachers; that is to say that, whereas complaint has been made that Dr. Mansvelt has not, as a matter of fact, sufficiently availed himself of the services of English and Colonial teachers when he might have done so, it will now, if the draft alteration becomes law, be possible for him to reply that it is not open for him to do so.

Moreover, the necessity for this new departure is somewhat difficult to understand, in the face of the accompanying statement made a few days ago to a newspaper interviewer, by Dr. Mansvelt himself, who volunteered the remark that "the Education "Department had great difficulty in securing properly qualified teachers. At the "present moment," he said, "they had thirty different requests for qualified teachers, "which requests he was unable to meet."

The enclosed leading article,* from the "Johannesburg Times" of the 16th instant, affirms that the real point of the whole difficulty lies in the definition of the word "qualified." Dr. Mansvelt has told the Raad that he cannot find in South Africa teachers qualified to teach in English and Dutch, and that consequently he has been obliged to apply to Holland for Dutch teachers, who have qualified for teaching in English also by a three months' residence in England. This article maintains that there are numbers of teachers, Africanders and even English university men, in the country, who are fully qualified to teach; but that these persons are practically excluded by the proviso of the Superintendent of Education, which obliges them to pass a supplementary (aanvullings) examination in Dutch, on entering the Transvaal service, no matter what their previous qualifications may have been.

"It must, therefore, be obvious to everyone that the Doctor's object is to import "his Hollander teachers, who may, perhaps, be qualified in Dutch, but most certainly "not in English (unless a three months' sojourn in England be deemed sufficient) to "the exclusion of the duly qualified Africanders and English university men."

Even assuming Dr. Mansvelt's motives to be of the best, it must, I think, be admitted that a system which makes it difficult for him to find 30 teachers in English and Dutch, in South Africa, where those languages are habitually spoken, must be pronounced faulty, while the dissolution of the International School Board for the Rand, which the Doctor complacently acknowledges, is in itself a convincing argument that, however much his system may commend itself to the Volksraad, it has certainly failed to secure the confidence of the various nationalities represented on the goldfields. At any rate, it is a fact that those English and Colonial teachers who have accepted positions in the new Goldfields Schools have found it difficult to work satisfactorily, and a few have already preferred to resign. I may add that, although it is the case that at those schools on the goldfields where first instruction is given in English, the principal of the school must be Dutch, yet at the only school in Johannesburg of a similar kind, where German is the medium of first instruction, the head-master is a German.

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* Not printed. † No. 101 in [C. 8423.]

In conclusion, I will only say that the fears which I expressed 18 months ago as to the doubtful wisdom of Dr. Mansvelt's system are, in my opinion, being realized, and I can only repeat that the present scheme of Hollanderizing education is making the special law intended for the benefit of the population of the goldfields a dead letter. How firmly this Hollanderizing system is being pursued throughout the length and breadth of the Transvaal may be judged from the following casual illustrations:—

(1) Children with English names are unmercifully chaffed by their Dutch teachers in the Government schools, so that they are obliged perforce to keep away.

(2) Candidates for the Side-Bar, who have passed in the Cape Colony the usual university examination, which admits them to enter for the subsequent legal examination, are required, before being allowed to take part in the corresponding legal examination in the Transvaal, to pass a supplementary examination in the Dutch *language and literature*, which, to judge by the number of unsuccessful candidates, appears to be unnecessarily severe. In fact, the certificates of general proficiency in Dutch, granted by the Colonial University, are boycotted by the Transvaal Board of Examiners.

(3) A few days ago the Landdrost of Johannesburg, himself a Hollander, and the 2nd Public Prosecutor, an Africander, were fined by the Government £5 and £2 10s. respectively for allowing part of the examination of an English witness to be conducted in English.

(4) The newspapers announce that a memorial is being circulated for signature by the teachers of the Republic, informing the Government that they see great danger in the increase of English as a medium of instruction, as it is a subtle means of undermining the independence of the State.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.

No. 23.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 25, 1898.)

SIR, Government House, Cape Town, June 8, 1898.

I HAVE the honour to enclose for your information with reference to my despatch of the 9th ultimo*, a copy of a despatch from Her Majesty's Agent on the subject of the Report of the Superintendent of Education in the South African Republic for 1897.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 23

BRITISH AGENT, Pretoria, to HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, May 31, 1898.

THE Volksraad spent the last ten days in debating the Report for 1897 of the Superintendent of Education, and the recommendations of the Committee appointed to consider it.

I have the honour to enclose copies of the Report,† together with an abstract† of the same, and a summary† of the proceedings in the Chamber, taken from the "Press" and "Standard and Diggers' News."

The Report states the number of State-aided Schools in the Republic during 1897 was 457, as compared with 395 in 1896. The total amount expended by way of subsidy in 1897 was £65,656, as against £44,548 in 1896. The number of pupils attending the State-aided Schools was 11,436 in 1897, as against 8,346 in 1896. Of this total, 1,077 children attended the subsidized Schools, in which Elementary instruction only is given, at an average expense per head through local grants of £6 1s. 10d., as against £5 15s. 2d. in 1896, and at a total cost to the State, including all departmental charges, of £8 5s. 11d. per pupil.

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* No. 22. † Not printed.

Your Excellency will notice that of the grand total of 11,438 pupils who attended the Schools in 1897, only 216 hailed from the Goldfields, at a cost of £2,729 4s. 9d., or £12 12s. 8d. per pupil. As the "Press," the Government newspaper, itself remarks, "the latter result is most disappointing; we look for larger returns after what has been "said and done, and we trust that the Superintendent will give this matter his best atten- "tion, in order that the area may be widened and any cause of friction removed." I need not remind Your Excellency that the "cause of friction" consists in the preponderating use of Dutch as the medium of instruction, the natural consequence being that the large foreign population of the Goldfields are obliged, with the trifling exception noted above, to provide education for their children at their own expense.

Before leaving the subject of Statistics, it is worth noticing that 80 pupils at the State Gymnasium cost the country £88 12s. 9d. per head, and four pupils in the Government School of Mines no less than £235 6s. 1d. per head, a matter indeed which, as the "Press" remarks, "requires looking into."

May 30. According to the accompanying leading-article* from the "Johannesburg Times," it is calculated that the Transvaal pays at the rate of £9 15s. 1¼d. per head on its education system more than does the Cape Colony, or, making allowance for the higher cost of living here, at the rate of, say, £8 more than is paid in the colony for the same result. The writer further asserts that, whereas in the Cape Colony the number of pupils in Standard VI. and above, at the examinations in 1897 was 3,879 out of a total of 88,010, in average attendance, the number of pupils in Standard VI. in Transvaal Schools during the last quarter of 1897 was 63 only out of a total of 11,814, or at a rate per cent of 4·4 and of ·5 respectively. Assuming that the percentage in the case of the pupils at the private schools in Johannesburg may be taken at 5, the article maintains that this result is obtained at Schools where no subsidy is granted, while the ten times inferior percentage of 0·5 is obtained in the Transvaal from State-aided Schools, where each pupil cost the country £11 19s. 3¼d.

I may remark that I give these figures for what they are worth, merely quoting them from the article in question, but they make it clear, I think, that although Dr. Mansvelt's system may indeed have succeeded in inducing a larger number of Burghers to send their children to School (in return, it is true, for a colossal expenditure by the State), yet that it entirely fails to commend itself to the large Uitlander population of the country, who, however much they may very naturally wish their children to learn Dutch for use in South Africa, cannot consent to jeopardize their future chances by substituting a language which, besides being unserviceable for commercial or general purposes, is of little or no value outside of South Africa, for one which commands a range of worldwide usefulness.

As regards the spirit, or rather "animus," of the system, I would refer Your Excellency to paragraph 32 (page 16) of the enclosed report,* in which Dr. Mansvelt congratulates the Government on the fact that the demand for English instruction shows signs of diminishing.

Turning now to the debate, I regret that owing to the great extent of ground covered by the speakers, I am unable to do more than notice a few special points of interest. In the matter of the Teachers' Supplementary (aanvullings) Examination on entering Transvaal Government Service, a Memorial representing 1,000 signatories, praying that the state examinations be so altered that persons belonging to Natal, the Cape Colony, and the Orange Free State be allowed to pass them in their own countries, in the same way as the examinations of the Cape University are at present passed in those States, was negatived, Dr. Mansvelt lamenting that it was unfortunately the fact that in the Free State the examinations were to a great extent conducted in the English language, and protesting that the Free State system was too English. Messrs. du Toit and Louw also declared that "we must preserve our own nationality; we must fight shy of Engelsch-gezindheid (English ideas)."

Articles 2 and 3 of the Report, dealing with the payment of the travelling expenses of imported teachers, gave occasion for severe handling of Hollanders, "by whom"—Mr. De la Rey said—"the schools would soon be flooded." The articles were eventually approved. Article 4, dealing with a Petition for equality of Colonial and Free State Certificates, was negatived; and Article 5, asking that Teachers approved of by the Local School Committees should be recognized as entitled to

* Not printed.

the subsidy granted by the Education Department, was also rejected. Article 8, suggesting that five hours a week should be devoted to instruction in a modern foreign language in all standards, was negatived, the Commission reporting that the existing arrangements made adequate provision. Article 9, suggesting that the present Government grant of £2 a head for the education of the children of the poor Burghers should be raised to £3, was refused, Mr. de la Rey remarking that parents of children enjoying the benefit of the £2 grant were being salaried out of the Treasury, from which it must, he said, be inferred that Government officials made use of the £2 grant for their own children, whereas it was only intended for the relief of indigent Burghers. The discussion of Articles 10 and 11 respecting the payment of the Government subsidies was postponed till next year. Article 13, suggesting that the children of the European population of the Colonies and the Free State should have access, except in regard to bursaries and subsidy for boarding, to the schools of the Republic, under the same conditions as the children of the State, was carried in so far as the children of the Free State are concerned, but the proposal to include the children of parents in the Colonies was referred back to the people for consideration.

In the course of the discussion on the above Articles, Mr. Stoop said he was of opinion that "this new gate should not be opened." Already, he said, the Transvaal seemed to have become a receptacle for poor people and poor children. Replying to an observation by Mr. Prinsloo that it could only be in order to enable children to be instructed in English that their parents sent them to school in the Colony, Dr. Mansvelt remarked pathetically, "Yes, I fear that is their main motive." A Draft-Law, providing for a training college for teachers, was, after considerable discussion, rejected by a majority of nine votes, on the ground that it was better for the present to extend the existing institutions. The only remaining point of interest is the decision taken by the Chamber to renew for a further period of three years from now the provisions of the Special Volksraad Resolution, granting a Government subsidy to schools in which Dutch is not necessarily the medium of instruction, but in which the pupils can prove to the satisfaction of a Government Inspector that they can pass the respective equivalent examination in Dutch to that required in the ordinary schools of the country. These schools are only six in number, namely, five English (three for boys, one being in Pretoria), and one German school—not, perhaps, a very convincing proof of the efficacy of Dr. Mansvelt's educational catering for the Uitlander and his children.

I have &c.,
CONYNGHAM GREENE.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.
&c. &c. &c.

No. 24.

HIGH COMMISSIONER COX to MR. CHAMBERLAIN.

(Received December 19, 1898.)

SIR, Government House, Cape Town, November 26, 1898.

I HAVE the honour to enclose, for your information, a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the grant of a Concession to E. Mendelsohn, for carrying out a drainage scheme for Johannesburg.

I have, &c.,
GEORGE COX.
Major-General.
Administrator and Acting High Commissioner.

Enclosure in No. 24.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town

SIR, Her Majesty's Agency, Pretoria, November 16, 1898.

I HAVE the honour to inform Your Excellency that considerable excitement has lately been caused in the town of Johannesburg, by the publication, in last week's "Staatscourant," of a Concession, dated November 1st, granted by this Government to

Emanuel Mendelsohn, the part-proprietor of the Johannesburg Government-organ, the "Standard and Diggers' News," for carrying out a general Drainage Scheme for the town. As the town of Johannesburg already possesses a Town Council, constituted according to the Town Council Law, the Councillors naturally regard this Concession, which was granted by Government to Mendelsohn without their knowledge, as an infringement of their rights and duties. There has for some time past been talk of providing Johannesburg with a sewerage system, and this sudden gift of the contract, with almost unlimited powers to a Government Concessionaire, without any thought of tenders or specifications, has much alarmed the inhabitants. The Concession has no doubt been obtained in the usual way; and it remains to be seen whether the numerous deputations, of Town Councillors and others, which have visited Pretoria to remonstrate with the Government, since the publication of the Concession, will have any effect;* most probably not, unless some legal steps are possible, because the Government can always point to the signed Concession as a "fait accompli."

I have, &c.,
EDMUND FRASER.

To His Excellency
The High Commissioner.

No. 25.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 8, 1899.)

SIR, Government House, Cape Town, March 22, 1899.

I HAVE the honour to enclose, for your information, with reference to previous correspondence, a copy of an extract from the "Star" newspaper, of Johannesburg, on the subject of education on the Rand.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No 25.

The "STAR," Johannesburg, Friday, March 17, 1899.

EDUCATION ON THE RAND.

At the monthly meeting of the Chamber of Mines yesterday afternoon, the proposal for providing an adequate system of elementary education for the Rand, and more particularly along the mines, came up for consideration.

The President (Mr. George Rouliot), in introducing the subject, said they would remember that some three years ago they came to the conclusion that something ought to be done for the education of poor white children, and especially for the children of miners residing on the mines, and who were far removed from centres, and deprived of facilities of granting the necessary education to their children. The scheme had been left in abeyance for some time, but it had now been revived. In the old scheme it had been proposed that the companies should subscribe certain sums in order to erect schools at different points on the Rand, and to provide the funds for the equipment of these schools. That proposal was somewhat modified to-day, as, owing to generous donations,† the first capital outlay was assured, and what the companies would be asked to do was simply to provide the funds necessary to keep the scheme going for a certain number of years. He might say that the thanks of the community were especially due to Mr. Julius Wernher and Mr. J. P. Fitzpatrick, who had taken the matter very much to heart, and who had worked hard to ensure its success. Mr. Fitzpatrick would be able to explain to them the details of the scheme. He need only say that the scheme which would be laid before them received the unanimous approval of the Executive Committee of the Chamber. The Committee had gone through the list of companies and fixed the assessment, which was also approved of by the Executive. A circular would shortly be issued to the companies on the

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* Colonial Office Note: Legal proceedings were threatened against the Burgomaster and the concession was cancelled by notice in the "Staatscourant" of 1st February, 1899.

† *See* No. 65.

subject, intimating at what rate they had been assessed; and he could only state that the Executive thought the rate of assessment was fair and equitable, and he wished to urge on those present to endeavour to get all their companies to grant the necessary donation that would be asked of them. He called upon Mr. Fitzpatrick to explain the scheme.

Mr. Fitzpatrick said: The scheme originated in 1895, and a start was made then; but only a few subscriptions were secured before other things happened which interrupted it. We have been unable to get funds together since that date to carry out the scheme as it was originally designed, because there was really no use making an effort without a reasonable prospect of success all round. The effort, to be effective, had to be opportune, and it certainly would not, I believe, have been opportune at any time during the past three years. Nearly two years ago the Council of Education, having struggled along, got to the end of its funds. Arrangements had to be made to curtail its operations, and the strictest economy had to be exercised; and, even more than that, some subscriptions had to be privately solicited in order to keep the scheme going, and to prevent total failure. We kept it going in that way in the hope that a better time would come round, when we might reasonably appeal for help. I think that time has come now. In the census of 1896, which is the latest record that we have to point to, Mr. Bleksley returned the number of children between the ages of fifteen and five as 1,718, in the town, who were entirely devoid of opportunities for education. We have had no census since that date, but we have made investigations and inquiries along the Reef lately, and are satisfied that there are nearly 3,000 children, many of them the children of parents who are both able and willing to provide education with this reservation, that there is no place to get it. These would be well able to pay, and would be willing to pay well, if they could get it; but there are no schools to which they can send their children. That is an extreme hardship. In the town now there are many more than we had in 1896, owing largely to the bad times, and, altogether, I think we have got over 5,000 children in the district who are without what you may call reasonable facilities for the most elementary education. I think you will all agree that this is really an appalling state of affairs. Now, in order to deal with this, we had originally a scheme for dividing the Reef into a number of educational circles, placing schools at different centres, and supporting them. It would be useless to lay that scheme before you, because it is out of date. It will have to be brought up to date by further investigation, and by arrangements which will be made, I understand and hope, by those gentlemen whom your companies will nominate to take charge of their part of the fund, whom the donors of part of the capital fund will nominate to look after their interest, and whom the present Educational Council will designate as their representatives. There will not be the slightest difficulty about the control, because, speaking for the Educational Council, they are a body of men who have had no sort of interest in doing other people's work except the interest which they feel in promoting the welfare of their fellow men. I do not speak for myself, because I am quite a later member, and was put on to represent, I think, the Chamber of Mines, but for the working men who have stuck to it through the most disheartening bad times, and their interest is solely in the success of the scheme. If you will nominate anybody who will take an interest in the work and give his time and intelligence to it, I am quite certain the Educational Council will welcome them with open arms. What I want to bring home to you with regard to this question of the control is that you who put up the money will have the say. Now it will possibly be suggested that this scheme is unnecessary in view of certain facilities which exist for education. I don't think the scheme is unnecessary. There are certain facilities, but they are cumbered with conditions which make them—I won't say unworkable, but practically impossible. You know that there is a Government capitation grant available for the schools in which children of parentage other than Dutch are taught. The conditions attaching to that grant are that the children must be over six years of age, must pass an inspector's examination in South African history and in the Dutch language, and must not be the children either of Hollanders or Dutch South African parents. The effect of that is this: Among the children educated by the Council of Education at present at least 50 per cent. are of Dutch parentage. They would naturally be shut out, seeing that, having limited means, we have concentrated our efforts in those neighbourhoods where education was most required and could be least afforded. I will give you an instance. At Braamfontein we had a school of 120 children. There the proportion of Dutch was rather higher. Seventy of them were Dutch and twenty of them were under the age of six. If we had applied for the Government grant and the Inspector came down, he would sort out the seventy children of Dutch parentage and dismiss them as not coming into the basis of calculation; he would sort out twenty more as under age; and of the remaining thirty some naturally would fail to pass. Taking it on this basis, thirty at £4 a-head would have given less than £120. For that £120 we should have had to employ a teacher of Dutch. Now, I need not explain to you that the thing would work out at a dead loss; instead of being an aid it would be a hindrance. That same point has been brought out with great prominence by Dr. Meiring in his address to the Church Council on the education question lately. Not only is it a disadvantage to us, but is a mistake, as a great many thoughtful men, who would like to see Dr. Mansvelt's scheme a success, have pointed out. It is a mistake for this reason: Instead of giving facilities for all to come in together and wipe out such differences as there may be, it divides the nationalities in the first place. It is a mistake from his point of view, because in the endeavour to coerce parents there is always the risk that they will take the opposite course, especially where the opposite course will lead them to fields where they will have much more consideration and much more liberty. It is a little bit difficult to deal with this matter without touching upon subjects that had better be left alone, so that I will leave that aspect of this question now. There is another point in the new law which is quoted as an instance that our scheme is unnecessary. It is stated that the Government will subsidise, or rather maintain, schools in which English is to be the medium of instruction, upon the condition that Dutch is taught for one hour per day during the first year, for two hours during the second year, for three hours during the third year, and that during the fourth year Dutch is to be entirely the medium of education. Now, assuming that that state of affairs can be maintained—it is a great deal to assume, because it is only a regulation issued by Dr. Mansvelt, and it has only stood for one year—assuming that it should be maintained, we have this before us, that it is no great hardship for the first, second, and third years, but in the fourth year the children of other than Dutch parentage, or who are not familiar with the Dutch language already, have to be equipped with such a knowledge of the Dutch tongue that they can acquire the rest of their education through the medium of that language or suffer the consequences. That deters a great many people from taking advantage of such facilities as are offered under Dr. Mansvelt's scheme. There is also this condition, that the headmaster of each of these schools shall be a Hollander. I need scarcely say that when one is pleading for a liberal measure there is not a suggestion of race differences.

But it does seem odd that gentlemen from any foreign country should be imported to instruct in a language with which thousands of the people are perfectly familiar. Why should it be a Hollander instead of a Cape Dutchman, I really do not know. That also has had a bad effect, and I mention it because it is possible the prominence given to it may lead to reconsideration. I mention these things to show you we think it is necessary to deal with this question of education apart from such facilities as is offered by the Government. Some eighteen months ago Dr. Mansvelt, in these regulations, arranged that there should be local boards. A local board was appointed in Johannesburg, on which were represented five different nationalities. After a few months of very sincere effort these gentlemen resigned unanimously, because, as they said, they found they were really wasting their time. They were an advisory board, but they had not the opportunity of tendering advice. Under these circumstances, I think, we may consider ourselves free of any charge of gratuitously supporting a scheme in opposition to any Government scheme. We have gone further than that. I made a point before any word of this scheme became public of seeing prominent members of the Government, representatives of the Government, and explaining to them our objects in dealing with this subject, on the lines on which we are dealing with it. I elicited from them opinions which I am not going to repeat, but which go a long way to justify the reasonableness of our views—they were not entirely satisfied with the way things were going themselves. I told them we did not propose to ask for Government help, that we proposed to go ahead with our own scheme upon liberal lines, and to let it speak for itself after a year or two years' trial. After such time we could get Government help, relying for our "bona fides" on the work which we will have done. It was suggested we might get help from the Government at an earlier stage, but I think it would be more satisfactory to a great many if we were to go ahead, and do something, and let results speak for themselves. I mention these things to show we have spared no effort to remove any unfavourable impression. I would also like to mention this, that although there are no stipulations cumbering this enterprise there have been expressions of opinion from some of the largest donors that the language of the country should be taught in the schools wherever possible. That is to say, as far as I can see, that there should be facilities in every school for teaching Dutch, if it be only for the purpose of showing that a genuine effort is being made to liberalise education in the country. I think the suggestion is sure to meet with favour from those who are going to direct the educational scheme, and who will be your representatives. Now you will see from the estimates for this year, just passed, that a quarter of a million was voted for education in this country. The last record, which was compiled in 1896, show that something like 12,000 children were being educated. Well, that was about £20 per head. One of the reasons for the very high cost is this fancy that Dr. Mansvelt has for appointing headmasters for certain purposes, who could not possibly find in their present occupations sufficient work to take up five per cent. of their time. It is a pure waste. The men get £600 a year, and the work should, by being spread over one or two schools, be done for one-fifth of that. Against £20 per head in this country we have in Natal £3 13s.; Western Australia, £3 10s. 6d.; and the Orange Free State, whose education is on a liberal basis, comes out exceptionally well at the amount of £6 per head. We have 700 children now being educated by the Council, and the cost of these is about £3 per head. Of course, there have been opportunities for us to aid education during the past three years, which we have not been able to take, through the lack of funds. We have not been able to help many very deserving private schools. There have been a good many struggling for help. There are schools, nominally for particular nationalities, like the German school, where the system is extremely liberal, where they take children of any nationality, which should have received help, but there were no funds. There is the Kindergarten schools, the success of which for years past is entirely due to the efforts of certain ladies, who have got together, by those devices which they know how to use, funds to keep seven or eight hundred children out of the gutter. It seems particularly unsatisfactory that a school like that, where children are receiving the elements of civilisation and Christianity, instead of picking up what they could in the gutter, should be debarred from receiving the Government grant, simply because the children attending it are under six years of age. Nearly four-fifths of these children are of Dutch parentage. The fund, as advertised to-day, is about £65,000. I would like to say this. You must not judge from the omission of certain prominent names that they have not subscribed. In some cases there have been difficulties in communicating, in other cases there have been delays, which have nothing whatever to do with reluctance to subscribe, and the fund, I am quite confident, will be over £80,000.* Our scheme, as worked out some months ago, would have absorbed about £50,000. That dealt only with primary education, and was made out as economically as we could do it. From that it is evident we shall be able to go further than we thought, but we do not want to run before we can walk, and I will leave that matter to be dealt with by your representatives when they come to work out the details. The maintenance of the work will require £15,000 a year at least. Assessment has been made, as the President told you, and without any difficulty that money will be found, and it will be no drain whatever on the companies. It may seem to be an unusual course to assess business companies for this purpose, but our conditions are unusual, and there is this to be said, that although the shareholder may be living in Europe, somebody is doing the work for him here. We are doing some of it; the workmen are doing some of it, and consideration is due to those who have not got the ordinary facilities, which they would have in any other country. I do not think it is under the circumstances improper to suggest that the companies should contribute, and contribute liberally. I do not want to cumber you with a lot of details. I hope that you will take the matter in hand very seriously, not that I think that special effort will be necessary, because the object will, I believe, appeal to everybody who takes an interest in the matter. The more workers there are the better will be the result, and willing workers are, of course, the best. Apart from the appeal now being made to the companies, we may suggest there is still room for individual subscriptions. The list is not a very long one, the donations have been liberal, but there are a great many who can help in a small way, and every little will add in the long run to the period of the fund. I do not think there is anything else I can say to commend the scheme to your good offices. I think the scheme is perfectly assured of success. (Applause.)

The President: You have heard the clear and lucid statement of Mr. Fitzpatrick, and the reasons that led to the adoption of this scheme. I can only repeat that the scheme meets with the approval of your Executive. When more details are obtained they will be furnished to you, and I ask you once more when you will be requested to give donations to help to the upkeep of the school that every company will liberally come forward.

Mr. Fitzpatrick: I wanted to mention one thing. There has been already a criticism of this suggestion, and one gentleman, I see, has taken the pains to write a lot of matter in a paper to explain, or to surmise,

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* *See* No. 65

what Dr. Mansvelt's reasons are for refusing to give aid to our enterprise. That is an injustice to Dr. Mansvelt. The particular reason for not receiving his aid is that we have not asked for it. I think we would at any rate have got a courteous statement of his reasons if he decided to refuse. It is due to both parties to make it clear that no such thing has taken place. If it should be in Dr. Mansvelt's mind to discuss this question, I think he can conclude from this meeting that we are in a reasonable frame of mind, and if he puts up his little finger we will go and talk the matter over in a reasonable spirit, and perhaps we shall find a way to work both schemes side by side.

The discussion then closed.

SECTION IV.—COMMANDEERING AND ILL-TREATMENT OF COLOURED BRITISH SUBJECTS.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received October 31, 1898.)

SIR, Government House, Cape Town, October 11, 1898.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Acting Agent, on the subject of the commandeering of British subjects in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 26.

ACTING BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, October 6, 1898.

WITH reference to Your Excellency's despatch of August 5th, enclosing copy of the Secretary of State's despatch of July 2nd, with the declaration of the Portuguese Government as to Portuguese Treaty Rights in the matter of commandeering for military service in the Transvaal, I have the honour to inform Your Excellency that commandeering has taken place for ten days past, both in Pretoria and other districts of the Transvaal, for an expedition against the native chief M'pefu, the head chief of what is known as "Magato's Country," in the northern portion of the South African Republic, close to the frontier of Rhodesia. It appears from what the State Secretary has told me that M'pefu has for years past assumed a bellicose attitude during the summer months, when he has supposed that the unhealthiness of the low lying parts of his country would render a Boer expedition impossible. In connection with a recent demand on the part of some Boer officials for the payment of hut-tax by part of his tribe, M'pefu not only ordered his people not to pay, but sent an answer to the Government's remonstrances to the effect that he intended collecting hut-tax on his own account, and that in any case he recognized no white man's right to collect taxes in his country, nor even to exercise any authority over him at all. As M'pefu's country has always been regarded as included within the boundaries of the South African Republic, as, indeed, it is according to the Convention of 1884, the Government, in spite of the unhealthy season, have determined to send up about one thousand burghers and State Artillery, with instructions to build a fort on the confines of M'pefu's country, and to oppose an armed resistance to any attacks which M'pefu may make upon the expedition.

In preparation for this expedition a commando was ordered by the Government in various districts, and a number of British subjects, both white and coloured persons, appealed to me to know whether they could be protected in the event of their refusing to serve, or to furnish requisitions either in money or in kind, such as horses, saddles, grain, and oxen. I replied to all these enquiries in the sense of Your Excellency's telegram to me of July 4th, and of the despatch above quoted. The "Star" newspaper, having received letters from British subjects asking for the present position of those who have not become burghers here, sent to enquire of me whether I would give the "Star" the desired information on their behalf. Although I have been loth to make known official views through the medium of newspapers, yet in this case, considering the outlying districts affected, as well as the really complicated nature of the position in view of the Volksraad's refusal to ratify the agreement between President Kruger and Sir H. Loch in 1895, I decided that I might prevent further inconvenience to British subjects by at once complying with the request thus made of me, and allowed the "Star" to insert the following paragraph as coming from me:—"Her Majesty's Government maintain the position which appears in the Commandeering Treaty of February, 1895, which was signed by Sir Henry Loch, but which

however, the Volksraad did not ratify (to be found, with other correspondence bearing on the commandeering question, in the Blue Book of April, 1897), namely, most-favoured-nation treatment for all British subjects—the most-favoured nation being the Portuguese.

"All British subjects in the South African Republic are, therefore, exempt, not only from personal military service, but from all war-requisitions in money or in kind, not being general taxes imposed by law on all burghers and aliens alike.

"Her Majesty's Acting Agent at Pretoria has already officially informed British subjects accordingly, in reply to their enquiries."

As, however, I had been asked by Government officials whether I thought it just that British subjects should not contribute at all to military expenses which might be rendered necessary in defence of the country from native attacks, I allowed the "Star" to express the view that it was the indiscriminate and arbitrary levy of requisitions or money from British subjects by local officials that was objected to by Her Majesty's Government, and that no objection could be taken to a general tax, levied, as in other countries, on all inhabitants, burghers and aliens alike; and that, so long as no such provision for general taxation was made in the Commandeering Law, British subjects could not be commandeered in any way.

The Commandant-General issued a circular on the day following the appearance of my declaration (which was copied into all the newspapers), and from the General's circular, of which I now enclose a copy,* it might be inferred that British subjects were only exempt from personal service. The State Secretary informed me next day, in answer to my enquiries, that the Government had noted my declaration for the information of British subjects, and that, in any case, orders had now been issued not to commandeer British subjects at all; and he assured me that such cases as had actually occurred were due to a misunderstanding on the part of subordinate officials, so that he had that morning telegraphed to the Field-cornet of Standerton to return the money which had already been "commandeered" from certain Englishmen in his district. I drew the State Secretary's special attention to the case of certain Cape coloured people, who had complained to me that they had been ordered to appear on the morning of the 2nd instant in readiness to leave for the north. I reminded the State Secretary that the British claim for exemption was entirely co-extensive with that of the Portuguese, and that, whatever the Volksraad might think on the subject, Her Majesty's Government had no intention of modifying this position, which, besides, was affirmed as far as Portugal was concerned by a saving clause for Portuguese coloured subjects in the Commandeering Law itself. Mr. Reitz, and like him the State Attorney, to whom I also spoke, made no attempt to combat my view, nor to show that there was any reason why British subjects should not have equal privileges to those of Portugal, and assured me that every necessary step had now been taken by the Government to ensure that no British subject of any kind should be commandeered in any way whatsoever. Moreover, he added—when I advised him strongly to so draft the new Commandeering Law now being prepared for submission to the Volksraad as to make such misunderstandings impossible for the future, and if necessary to make provision for a system of general taxation for military expeditions—that the present expedition was unlikely to assume large proportions, and that the Government hoped to complete it with the resources already at their disposal. As I have also stated in conversation with various Government officials, I see no good reason why such military expenses should not be defrayed by means of a general tax, just as at present taxes are levied on account of small-pox visitations, or like the poll-tax of 18 shillings a head on all inhabitants. In any case, whether the Government choose to introduce some such plan into the new Commandeering Law or not, I have certainly made it quite clear that it can only be by some such provision that money can in future be levied from British subjects for military purposes.

I may add that, although I received numerous verbal and written appeals for protection from British subjects, the French Consul tells me that no attempt was made to commandeer any of his people, and the Dutch Consul-General made a claim for similar treatment to that put forward by me.

I have, &c.,
EDMUND FRASER.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

* Not printed.

No. 27.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received November 19, 1898.)

SIR, Government House, Cape Town, November 1, 1898.

I HAVE the honour to enclose for your information, with reference to my despatch, of the 11th ultimo,* a copy of a despatch from Her Majesty's Acting Agent, on the subject of the commandeering of British subjects in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 27.

ACTING BRITISH AGENT, Pretoria, to HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, October 27, 1898.

WITH reference to my despatch of the 6th instant, I have the honour to report that commandeering has again taken place during the past week in connection with reinforcements for the expedition against the natives in Magato's country, who have assumed a more bellicose attitude than was at first hoped. I have been obliged to employ much of my time during the past few days in answering by letter and telegraph numerous enquiries from British subjects in the outlying districts of the Transvaal, who not unnaturally are uncertain whether they should comply with the demands of the Field-cornets or not. In no case, however, as yet, have I heard of any forcible measures being taken after these correspondents had, in consequence of my instructions, resisted the demands. The State Secretary assures me that he has sent explicit instructions to the outside districts not to commandeer British subjects, and that the cases which have occurred, or have been attempted, are due to disobedience on the part of subordinate officials, or to ignorance of individual nationality. The only case in which I have had to make a representation verbally to the State Secretary is that of two Cape coloured men, who were, according to their employers' statement, actually kidnapped from Roodepoort by the Assistant Field-cornet at that place, and placed on board the train for the north. I at once asked the State Secretary to send telegraphic orders to return these men to their employers, and to administer an admonition to the offending official, who appears to have acted unknown to the head Field-cornet; and Mr. Reitz has done as I requested.

No. 28.

HIGH COMMISSIONER COX to MR. CHAMBERLAIN.

(Received 6.29 p.m., November 29, 1898.)

TELEGRAM.

29th November. "Cape Times," 23rd November, publishes account of outrages on Cape coloured persons by Transvaal officials under pretence of not having pass. Case very bad, one child having died of fright, and it is probably act of retaliation for their refusal, in acordance with instructions from British Agent in South African Republic, to be commandeered. Affidavit has been submitted to British Agent in South African Republic, who is preparing vigorous remonstrance.

No. 29.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR W. F. BUTLER.

(Sent 8 a.m., December 1, 1898.)

TELEGRAM.

1st December. In any case of outrage upon Cape coloured persons who are British subjects, I approve of vigorous representations being made to Government of South African Republic.

Full particulars of outrages should be sent by telegraph.

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* No. 26.

No. 30.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received 11.45 a.m., December 24, 1898.)

TELEGRAM.

24 December. Referring to your telegram of 1st December,* South African Republic Government have expressed strong disapproval of action of Field Cornet Johannesburg respecting Cape Boys, and promised that if report of Public Prosecutor should implicate officials, punishment, probably dismissal, would be awarded.

No. 31.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 9, 1899.)

SIR, Government House, Cape Town, December 21, 1898.

I HAVE the honour to transmit, for your information, a copy of a despatch from Her Majesty's Acting Agent, Pretoria, containing particulars of the recent alleged outrages by officials of the South African Republic on certain Cape coloured persons at Johannesburg.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure in No. 31.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, December 10, 1898.

I HAVE the honour to transmit to Your Excellency copies of four affidavits, sworn before the British Vice-Consul in Johannesburg, by Cape coloured people (British subjects), who were victims of a night attack organized by the Fieldcornet and certain Pass Office officials on October 29th last, when some forty "Cape Boys" were arrested, either for not being in possession of monthly passes or badges.

It was understood in the course of certain negotiations last year that the "Cape boys" should not be called upon to wear the badge, which they regarded as degrading, but only to take out the 2s. monthly passes, or else a £3 certificate exempting them from this pass. Very few, indeed, of these boys have availed themselves of the permission to take out the £3 certificate, being dissatisfied at its cost; and many appear even to have evaded the monthly pass. Some of the boys arrested were fined for not having any pass, while others were discharged; but I cannot ask for a refund of such fines, owing to last year's understanding. In the case of those fined for not having a badge, I have, however, asked this Government to have the fines returned, but most of those thus arrested were discharged.

As regards the cases of forcible entrance of houses, and uncivilised treatment generally, which are described in the affidavits, I have handed copies of the latter to the State Attorney for the investigation of the Public Prosecutor at Johannesburg. The Government have already expressed their strong disapproval of the general course of action by the Fieldcornet and Pass officials, and have promised that, if the report of the Public Prosecutor should inculpate them to the same extent as the statements in the affidavits, some fitting punishment, probably dismissal, will be meted out to them.

I still await the result of these investigations, and can do so the more easily as this Government has now put a stop to any further action of the kind, by a strong warning to its local officials.

But this is the fourth occasion during a period of about 18 months that complaints of arrest, &c., have reached this agency from "Cape boys," although the previous occasions did not include such ill-treatment. Moreover, I had reason to believe that this

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* No. 29.

latest batch of arrests, undertaken during the night with such unnecessary accompaniments, was due to a desire on the part of the Johannesburg Fieldcornet to avenge himself on the "Cape boys" for their recent refusal to be "commandeered" as transport drivers, &c., for the Magato campaign, which refusal was supported by instructions that I had myself given, in terms of the most-favoured-nation position taken up by Her Majesty's Government with regard to "commandeering." Besides, attempts have, during the past year, been made — and even carried out — to evict Cape coloured families from their places of business (as carpenters, cab proprietors, &c.) in the towns of Pretoria and Johannesburg, under the law called "Town Regulations," which forbids any coloured persons to live in the towns. And, although, after much trouble, I have succeeded in preventing such cases of eviction as were brought to my notice in time, yet the threat of eviction to locations is constantly held over these coloured people, and only averted—as far as they are themselves concerned—by bribing the town inspectors. Three such families of coloured British subjects from Cape Town showed me such notices of expulsion last month, although they have resided in Pretoria for seven years past.

I therefore came to the conclusion that the time had come when some stop should be put, in an unambiguous manner, to the probability of such arrests and ill-treatment occurring in future; and I arranged to meet the State Secretary, State Attorney, and two Under-Secretaries, to whom I then made verbal representations in the sense of the Secretary of State's telegram, communicated to me by Your Excellency on the 1st instant. I stated that the constant recurrence of such troubles with the "Cape boys" question had now become intolerable, and that, unless the Transvaal Government were prepared to come to some arrangement which should afford a reasonable prospect of betterment, Her Majesty's Government would be amply justified, by the ill-treatment described in the affidavits, and by the futility of previous understandings, in claiming the full privileges of white British subjects for these Cape coloured people, who were not pure aboriginal natives of South Africa (inboorlingen), and therefore might be protected to the full by Article XIV. of the Convention. I added that, knowing as I did the Transvaal feeling towards coloured people, I was quite aware that our insistence on an equality between white and coloured British subjects must be in the highest degree distasteful to the Transvaal Government, yet that I was unable to see in what other manner I could efficiently afford protection to our coloured subjects, unless the Transvaal Government itself was willing to modify its legislation and administrative regulations so as to improve their position.

Some days later I was informed that the State President had authorized the State Attorney, in the absence of Mr. Reitz, to negotiate with me for some arrangement which might be regarded as a settlement of these long-standing differences; and I shall have the honour of reporting the course of these negotiations in a subsequent despatch.

I have, &c.,

EDMUND FRASER.

His Excellency
The High Commissioner.

Affidavit No. 1.

I, Caroline Lingevelt, make oath and say:—

I am a widow, and live at 7, Wolhuter Street, Johannesburg. I have been in Johannesburg nearly four years. I am a native of Oudtshoorn, Cape Colony, and a British subject. I carry on business in washing and ironing in Johannesburg, and support myself. I am coloured, but my grandfather was a white man, a Scotsman.

At 11 o'clock on Saturday night, October 29th, my son, Abram Lingevelt, who lives with me, came to me, and said that the Fieldcornet (Lombaard) wanted his pass. At the same time I heard someone shake the back door, and say, "Open the door or I will kick it open." I replied, "Wait till I put on my dress." "No," answered Mr. de KOCK, "open at once, or I will kick it open." I then opened the door, and said, "I am a widow, my husband has been dead for eight years, and there is no man here; there is only my one son in the room at the back." I afterwards looked out, and saw that the yard was full of men. Mr. de Kock is the pass officer here.

Another man, long and stout, whose name I do not know, came then into the house, and pulled the blanket off the bed on which my daughter Caroline, aged 16, was lying, and did the same to the bed in which were Mabel Blommestein and my little nephew. The night was cool. After having looked under the bed and behind a screen,

the man went out. My boy was taken to prison because he had not a pass. Since then I have bailed him out for £3, which was returned to me on his acquittal. Mabel Blommestein was 9 years old, and I boarded and lodged her. This little girl Mabel became suddenly ill later in the night, having been frightened at the noise and excitement, and, on my calling in Dr. Croghan, he said that she had a severe attack of inflammation of the lungs, directly caused by the fright and exposure; she had to go to the hospital, and has since died there. I annex (marked A) a certificate of Dr. Croghan as to the cause of her death.

Sworn at Johannesburg, South African Republic, this 29th of November, 1898.

CAROLINE LINGEVELDT.

Before me,
J. EMRYS EVANS,
British Vice-Consul.

Doctor's Certificate (A).

On Sunday morning, October 30th last, I was called to attend Mabel van Blommestein, in Wolhuter Street, Johannesburg. She was suffering from an attack of acute pneumonia, and was in a very excited, nervous condition. This condition is not usually associated with pneumonia, but was, in my opinion, produced by fright and shock. She died, in the Johannesburg Hospital, on Tuesday, the 15th November, and I have no hesitation in stating that her illness was aggravated by exposure to night air and excitement, previous to my attendance.

EDW. H. CROGHAN, M.D.

Johannesburg (Henwood's Arcade),
November 17, 1898.

Affidavit No. 2.

I, Sarah Mehring, of Johannesburg, make oath and say:—

I am a married woman, living at 7, Wolhuter Street, Johannesburg. My husband works at the battery of the Ferreira Company, and lives with me. I carry on business as a washerwoman. I was born at Somerset East, Cape Colony, and am a British subject. I can read and write, but owing to a sore hand I am at present unable to sign my name. I came to the Transvaal three years ago. I am a "Cape woman," my father was a white man. On Saturday, October 29th, about 11 o'clock p.m., when my husband and I were asleep in bed, I was woke by a noise next door, and woke my husband. The Fieldcornet (Lombaard) was there; he had a great crowd of men with him, who filled the yard. They knocked at my door; I asked who was there. The reply was, "Dont ask, I will kick it open, if you do not open it." It was de Kock, the Pass Officer, who spoke. I opened the door, and they took my husband away, because he had no pass. He is a Cape man, born in Worcester, Cape Colony, and a British subject. The officials were very rough and noisy, and frightened me very much. I was in the family way, seven months gone. In consequence of the fright, I was prematurely confined, and was dangerously ill. My life was in danger, and I am still ill, not quite better.

Sworn at Johannesburg, this 29th day of November, 1898.

Before me,
J. EMRYS EVANS,
British Vice-Consul.

SARAH MEHRING. Her Mark. X

Affidavit No. 3.

I, James Davis Moses, make oath and says:—

I am a coloured person, living in Vrededorp and working for Messrs. Hansen, Schrader, & Co. I was born in Cape Town, and am a British subject, and came to Johannesburg five years ago. I have taken out monthly passes ever since the system was started. And, for a short time, I also wore the badge.

I was driving Hansen Schrader's waggon on the 29th of October, and was arrested for not wearing a badge. I was asked if I had a pass, and I produced it; the badge I had left at home. The person who asked me was Mr. Pretorius, who, I believe, is an Inspector of Passes. He told a policeman to take me to the Charge Office, and lock me up. I was taken to the Charge Office and was detained there about three and a half hours. Then my masters, through a clerk named Alder, bailed me out for £3. I

had to attend in Court on Monday, the 31st. This I did, and had to wait about the Court on Monday, Tuesday, and Wednesday, before my case was brought on. The waiting was so long, that my master told me that he would have to hire another driver in my place; so on Thursday I did not go to the Court, but my case was called up that morning, and given against me in default, as I had been obliged to go back to work. Therefore the bail was forfeited. I have had to lose this forfeited bail, £3, and, as my wages are only £2 5s. a week, this loss is a serious matter to me, being married and having three children, all quite young, depending on me.

Sworn at Johannesburg, South African Republic, this twenty-ninth day of November, 1898.

JAMES DAVID MOSES.

Before me,
J. EMRYS EVANS,
British Vice-Consul.

Affidavit No. 4.

I, Louis Alexis Williams, make oath and say:—

I am a British subject, and my parents were West Indians. I am 32 years old, was born in Jamaica. I came to South Africa when four or five years of age, and lived in Cape Colony until I came to Johannesburg about 6 years ago. I was in Kimberley for about four months, where I was ill, suffering from inflammation of the lungs. I returned to Johannesburg at about 11.45 on Saturday, October 29th, and was staying at Francis House, in Marshall Street. I am a tailor working for myself, and have had no master (or baas) for two years.

Between 9 and 10 o'clock on the 29th of October Mr. Lombaard knocked at the door, and asked entrance. I opened the door, and he asked, "Where is your pass?" I said, "I carry no pass." He said, "Where does Jacob live?" I said, "I will show you."

When I went out, a man named Nel caught hold of me, and told me to stand still. Lombaard then struck me on the mouth. I said, "If you take the law in your hands, I won't go with you." Nel then poked me with his stick under the eye, and asked Lombaard's permission to punish me. Lombaard said, "Throw him down, and choke him." I was then thrown to the ground, and Nel got on my chest with his knee. I was then handcuffed, and taken to the Charge Office, being beaten all the way. At the Charge Office I paid £10 bail. I appeared at Court on Monday, the 31st, when I was remanded until Friday, November 4th, when I was discharged. Francis was also arrested, and can testify to my ill-treatment. I was given no travelling pass at Vereeniging, and consequently could have had no pass issued here.

Lombaard is the Fieldcornet here. I am still suffering from my injuries, and cannot sleep at night from them. I was just recovering from a severe illness when I was thus ill-treated.

A. L. WILLIAMS.

Sworn before me, November 29th, 1898,
J. EMRYS EVANS,
Vice-Consul.

No. 32.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 16, 1899.)

(Extract.)

Government House, Cape Town, December 28, 1898.

WITH reference to my despatch of the 21st instant, and to my telegram of the 24th instant,* respecting the treatment of Cape coloured persons in the South African Republic, I have the honour to transmit, for your information, copies of further telegrams and a despatch from Her Majesty's Acting Agent on the subject.

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* Nos. 30 and 31.

Enclosure 1 in No. 32.

From Her Majesty's Acting Agent, Pretoria, to the High Commissioner. Cape Town.

Telegram.

(Extract.)

22nd December, 1898. In consequence of continued arrests of British coloured subjects in Johannesburg this week, among whom were about a dozen St. Helena people, who do not even come within terms of Pass Law itself, I decided at once to demand the dismissal of Field Cornet Lombard, one of the new affidavits having shown that reason of all recent outrages and arrests was revenge for coloured persons' refusal to accompany Magato Commando. It is admitted that Lombard was present during outrages of October 29th; it was thus obviously his duty to stop them. I therefore have only agreed to waive demand for his immediate suspension from office in consequence of this repetition of arrests on sole condition that commission shall at once proceed to Johannesburg and report result of investigation within a few days. I have impressed upon Government necessity of making example of the principal official who took part in outrage, and have informed them that whether or not other officials may be dismissed, I possess sufficient evidence to insist upon Lombard's dismissal in any event. President, who had hitherto not been properly informed of Landdrost's action, now expresses indignation, and also at case of murder of Englishman Edgar by Johannesburg policeman, against whom I have asked that charge of murder now withdrawn shall be renewed.—Fraser.

Enclosure 2 in No. 32.

From Her Majesty's Acting Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

22nd December, 1898. Government informs me that President this afternoon suspended Johannesburg Field Cornet from his functions pending result of investigations by legal commission, consisting of Advocate Stockenstroom and Landdrost Vandenberg, whose appointment concurred in. Strict orders issued at same time to desist from further arrests of coloured British subjects.—Fraser.

Enclosure 3 in No. 32.

From Her Majesty's Acting Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

December 24th. State Attorney informs me enquiry into charges against suspended Field Cornet and pass officials will be held publicly next Tuesday, and Vice-Consul has been requested by one of commission of enquiry to attend and bring witnesses. As to affidavit, Vice-Consul is requesting persons who originally brought coloured people to Consulate to procure presence of these as witnesses. I propose visiting Johannesburg this afternoon.—Fraser.

Enclosure 4 in No. 32.

Her Majesty's Acting Agent, Pretoria, to the High Commissioner, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, December 23, 1898.

With reference to my despatch of the 10th instant, I have the honour to inform Your Excellency that, while I was still awaiting the result of the Johannesburg Public Prosecutor's enquiry into the charges of gross ill-treatment of our coloured people by the Field Cornet and pass officials of Johannesburg, and when I had already received an assurance that the Transvaal Government strongly disapproved the revival of such a persecution at all at this time, after so many remonstrances and understandings had been made during the past 18 months, I was astounded to receive several

affidavits from our Vice-Consul in Johannesburg, copies of which I enclose, setting forth that a renewal of this persecution had taken place, and that, besides the affidavits from Cape boys, about a dozen British subjects from St. Helena, and one from Mauritius, had been arrested, and some even fined (unheard in their defence) for offences under the Pass Law, to which, in the case of the latter, even the terms of the Law itself (confined to the coloured population of South Africa) have no application.

I, Jappie September, make oath and say:—

1. I am a British subject, born in Cape Town, and have resided in Johannesburg for the last four years.

2. I am a cab driver in the employ of Mr. Henry Clarke, cab proprietor, and my badge is No. 770.

3. This morning, as I was driving my master's cab, No. 775, a policeman stopped me just outside my master's stables in Burghersdorp. He asked me if I had got a pass. I replied that I had, and at his request I handed it to him.

4. He then asked me where my badge was. I told him that it was at my house. Thereupon he said that he must take me to the Charge Office. He then arrested me and took me down to the Pass Office and locked me up, where I remained until 12 o'clock, when I was taken to the Charge Office in Bree Street, when I was bailed out by my employer.

5. I was arrested at 9.30, and was not released on bail until a quarter past 12, thereby being deprived of my morning's earnings.

Sworn at Johannesburg, South African Republic, this twenty-first day of December, 1898.

His
JAPPIE SEPTEMBER X
Mark.

Before me:
J. EMRYS EVANS,
Vice-Consul.

I, Martinus de Waal, make oath and say:—

I am a British subject, born in Caernarvon, in the Cape Colony, and have resided in Johannesburg for the past six years.

2. I am a trolley driver, and have been so during the whole time of my residence here. Up till the last month I was driving for Forsyth and Reid, but during the present month I have been out of employment.

3. Since the Pass Law came into force I have always carried a pass, and up to a very short time ago I also carried a badge.

4. About ten o'clock yesterday morning, the 20th instant, I was on the Market Square when a mounted policeman came up and asked me for my papers. I gave my monthly pass for December. He then asked me where my badge was. I replied that I had left it at home. He arrested me and took me to the Pass Office, where he told the official that I had my pass all right, but no badge. Thereupon I was locked up till a quarter to 12, when I was driven to the Charge Office with a lot of Kaffirs and others, about 50 in all, in custody of the police. At the Charge Office I was released on bail of £3, which I found myself.

5. In the morning I appeared before the third Landdrost. All persons charged under the Pass Law were brought before the Landdrost in a body, were not called upon to plead, nor were the merits of our respective cases enquired into. We were merely told to produce our passes or badge, and if we failed to do so we were convicted and sentenced.

6. The policeman who arrested me told me that I was charged with not having a badge. The Landdrost did not call for any explanation, but at once fined me 10s., which I paid.

Sworn at Johannesburg, South African Republic, this twenty-first day of December, 1898.

MARTINUS DE WAAL.

Before me:
J. EMRYS EVANS,
Vice-Consul.

I, Isaac Davis, make oath and say:—

I am a British subject, born at the Paarl, Cape Colony. I had resided in Johannesburg for six years prior to the commencement of this year, when I left for a visit to the Cape Colony, and returned about three weeks ago.

2. I am a cab owner, and carry on business for myself, driving a cab, the number of which is 32, which I have hired, but the horses and harness are my own property.

3. On Tuesday, the 20th instant, I went to the Pass Office to procure the ordinary £3 certificate. Mr. Kock, the Pass Officer, refused to grant it to me on the ground that, having been in Johannesburg for three weeks, I ought to have applied before. He thereupon immediately arrested me, and I was locked up till four o'clock. It was about two o'clock when I was arrested.

4. At four o'clock I was taken to the Charge Office and bailed myself out for the sum of three pounds.

5. I appeared before the third Landdrost's Court this morning, and was found guilty, and fined £2 or 14 days for not having a pass. I paid the £2. I was not heard in my own defence, and the Landdrost did not enquire into the actual circumstances of the case in any way.

Sworn at Johannesburg, South African Republic, this twenty-first day of December, 1898.

His
ISAAC DAVIS X
Mark.

Before me:
J. EMRYS EVANS,
Vice-Consul.

I, James Harris, make oath and say:—

1. I am a British subject, born in Cape Town. I resided in Johannesburg for two months about two years since, when I left for the Colony, and returned here about a fortnight ago.

2. I am a cab driver by profession, and am at present driving for a Malay named Tagadien. I took out a cab driver's licence the same day I arrived. On Monday last the 14th instant, I went up to the Pass Office to get a pass. The official in charge told me that the place was too full and that I must come the next day. Accordingly yesterday afternoon, about three o'clock, I went again. The official asked me for my pass, to which I replied that I had not one. I told him that I had only been here a fortnight and showed him my licence. He replied that he could not help it, and that I must go to "Tronk." Thereupon I was arrested and taken to the Charge Office for about an hour, and then I was taken round to the Bree Street Charge Office. Then I was released on £3 bail, which I found myself.

3. This morning I appeared before the third Landdrost and was fined £2 or 14 days. The fine I paid.

4. I was not asked whether I pleaded guilty or not guilty, nor were the merits of my case gone into in any way. All those charged under the Pass Law were brought into court at the same time, were asked to produce their passes, and on failing to do so were convicted and fined as above.

Sworn at Johannesburg, this twenty-first day of December, 1898.

His
JAMES HARRIS X
Mark.

Before me:
J. EMRYS EVANS.
Vice-Consul.

I, George Williams, make oath and say:—

I am a British subject, born in Cape Town; at present I live in Vrededorp, and am engaged as coachman to Dr. Vryburgh.

2. At about 10 a.m. yesterday I was arrested while on my master's carriage in front of his office, next to the goods station, Johannesburg.

3. Two mounted policemen asked for my badge and pass. I showed them my pass, but told them that my badge was in my pocket.

4. They then said it could not be helped, and took me down to the Pass Office, where I was kept locked up until 12 o'clock. I was then removed to the Charge Office, where I was kept till 1 o'clock, when they allowed my master to bail me out for £3.

5. I appeared before the third Landdrost at 9 o'clock this morning, when, without asking me what my defence was, he simply stated that I was fined £1 or 8 days, and that in future I was to wear my badge on my arm, instead of on my wrist, where I was then wearing it.

6. I paid the fine, and was then released. I have never been in prison before in my life.

7. I have been put to the expense of supplying a substitute at 5s. per day until such time as I am able to resume my work again to-morrow. I must go to the Charge Office to get my bail money returned, so that I have been kept from my work for three days.

Sworn at Johannesburg this twenty-second day of December, 1898.

T. G. WILLIAMS.

Before me:

J. EMRYS EVANS.
Vice-Consul.

(Afschrift.)

Dirk Helm maketh oath and saith:—

I was born in Worcester, Cape Colony, and I am a Cape coloured man. I have been residing in Johannesburg since July, 1897, and I follow the calling of a tram-driver. Since I have been in Johannesburg, I have taken out the monthly pass, and for some months I wore the badge. On the 11th instant I was walking along Commissioner Street, when a police constable, No. 34, stopped me, and he asked me for my monthly pass, which I duly produced to him. He then asked me why I did not wear my badge, and I replied that I did not wear it, and that it was in my house. He thereupon arrested me, and took me down to the Charge Office, and I was bailed out for £2. I appeared at the Landdrost Court in the morning of the 12th instant, and I remained there all day, but the case against me was not brought on. I again appeared this morning, and about noon to-day I was tried for not wearing a badge, and I was sentenced by the third Criminal Landdrost to pay a fine of ten shillings. I produce my pass for the current month. I lose two days' wages, amounting to 15s., by reason of my arrest.

DIRK HELM.

Johannesburg, December 14, 1898.

Before me:

J. EMRYS EVANS,
Vice-Consul.

Voor ware Kopie,
H. C. TEN HAAF,
Vr. Sts. Sec.

(Afschrift.)

Jacob Petersen maketh oath and saith:—

I am a Cape coloured boy. May father was a German, and my mother was a St. Helena woman. I was born at Piquetburg in the Cape Colony. I have been in the Transvaal ten years, and I have never been called upon by the police to take out a pass, and was never molested by them before Saturday night last. I was working at the City and Suburban Mine nineteen months, and I paid poll tax there once, about six years ago. On Saturday last I came out of my door to go to a shop to make some purchases, when I was arrested by two men in plain clothes. I asked them "why do you arrest me?" they said "come on you Cape bastard," I said "tell me before you arrest me," and they said "come on or we will put handcuffs on you." I did not steal or do any other crime. Thereupon one of them knocked me down, and the other kicked me, and the black eye I have now is the result of the assault, and the marks on my hip are the result of the kicking. I then went down to the Charge Office quietly,

they handcuffed my one hand. One said "in time of war you boys want to run away, but if it is for the damned Englishman, you always assist them." When I got down to the Charge Office they said, "this is a Cape bastard, he is cheeky, and he is a bit strong, and deserves 25 lashes on his back." I asked no questions at the Charge Office. I was arrested about twenty minutes past nine on Saturday evening the 17th inst. The charge, according to the receipt, which I produce, is for being out after 9 p.m. I was bailed out for £1.

His
JACOB PETERSEN X
Mark.

Johannesburg, December 19, 1898.

Before me:
J. EMRYS EVANS,
Vice-Consul.

Voor ware Kopie,
H. C. TEN HAAF,
Vr. Sts. Sec.

Charles Tim maketh oath and saith:—

I was born in Pietermaritzburg, Natal, and both my parents were born in the Island of St. Helena. On Saturday night, about 8.45 p.m., I was walking along Commissioner Street, when I was arrested by a person in plain clothes who asked me for my pass. I said I had no pass, but that I had a certificate from the British Vice-Consul. I then showed him the Certificate of Nationality issued to me by the British Vice-Consul, dated, the 26th October, 1898, reading as follows:—

"These are to certify that Charles Tim, born in Pietermaritzburg, Natal, of parents born in the Island of St. Helena, is a British subject." He thereupon said to me: "It is an old paper which you have picked up, it is no good, and you must go with me down to the Charge Office." He then handcuffed me to two ruffians, and took me down to the Charge Office. When I got there I showed the certificate to one of the officials who read it, and told me to stand on one side. At about 11 o'clock I showed the certificate to the clerk, and he then released me on my giving £1 bail to appear before the Landdrost on the 19th instant. The case did not come on yesterday, but it was heard to-day. I was charged with not having a pass. I produced the Certificate of Nationality in Court, and it was read by the Landdrost, who said that although I was a British subject, I must take out a pass, and he fined me £2 for contravening the Pass Law. In consequence of my arrest I lose two days' wages in addition to the fine of £2—in all, £2 13s.

His
CHARLES TIM X
Mark.

Johannesburg, December 20, 1898.

Before me:
J. EMRYS EVANS,
Vice-Consul.

Voor ware Kopie,
H. C. TEN HAAF,
Vr. Sts. Sec.

No. 33.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 27, 1899.)

SIR, Government House, Cape Town, January 11, 1899.

WITH reference to my despatch of the 28th ultimo,* respecting the enquiry into the charges against Johannesburg officials of maltreating coloured British subjects, I have the honour to transmit to you a copy of a further despatch, with its enclosure, from Her Majesty's Acting Agent at Pretoria on the subject.

* No 32

A perusal of the newspaper reports of the sittings of the Commission of Enquiry leaves the general impression on the reader's mind that a considerable amount of rough usage was experienced by certain coloured persons at the hands of the Police in Johannesburg during night raids which took place in the month of October last, but it still remains matter for doubt how far the necessities of order and police regulation in a place such as Johannesburg, where so many people of suspicious character and doubtful antecedents are liable to come together, may call for exceptional vigilance and supervision by those who are responsible for the preservation of order.

It is not improbable that the action taken by the Fieldcornet in relation to a more rigorous application to certain persons of the provisions of the law governing passes and badges among natives may have been influenced by considerations such as those suggested by Mr. Fraser, but in my opinion it would be quite as much within the region of probability to suppose that the attitude of the officials of the South African League in Johannesburg in relation to police and other authority there, was responsible for much of the tone and temper adopted by the Fieldcornet and his officials towards the Cape boys and other strangers in the city. Be that as it may, I am convinced by the knowledge of facts which it is impossible to ignore that it is necessary to receive with caution, and even with a large measure of suspicion, statements emanating from the officers of this organisation.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure in No. 33.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, December 31, 1898.

With reference to my despatch of the 23rd instant, I have now the honour to enclose a report of the two sittings of the Commission of Enquiry, which was held on the 28th and 29th instant, into the charges against Fieldcornet Lombaard and certain other local officials, of maltreating coloured British subjects. This report was made as complete as possible at my request, by a press shorthand writer. The Commission has also placed its report in the hands of the State Attorney, but there has not yet been time enough for its consideration.

Your Excellency will observe that only a few of the persons aggrieved were called upon to give evidence, the State Attorney having stated to me that he would consider the affidavits chosen out of a number of others, which I communicated to Your Excellency, as being fair specimens of the complaints of all the other coloured people concerned. Their evidence was hardly shaken, in my opinion and that of the Vice-Consul, who attended the sittings of the Commission at my request, and arranged that the coloured people should be represented, for the purposes of cross-examination, &c., by Advocate Papenfus, of Johannesburg.

The defence was principally a flat denial of the facts as sworn to by the coloured witnesses, a denial only by the officials concerned. But the suspended Fieldcornet Lombaard admitted that he knew nothing against the character of the coloured people whose houses he thus entered, without a warrant, at night time, thus bearing out my previous supposition that the whole raid (and there had been no such raid for some time past) was carried out on account of the Fieldcornet's desire to avenge himself for our coloured subjects' refusal to be "commandeered" for the recent Magato expedition. According to Lombaard's statement, this Government had given no instructions to him or other officials not to insist on the wearing of the badge by Cape coloured people; if this is the case, it is hardly in accord with the understanding arrived at by this Agency last year, that the Government would instruct their officials to put a wide interpretation upon the Pass Law in this respect, nor with the fact that Cape coloured people have ceased to wear the badge at all (in consequence of this understanding) for many months past. A question was raised as to the liability of St. Helena people to take out passes and badges, and Lombaard's counsel would have this question referred to the High Court, since one of the four Landdrosts had decided, in this case, against the St. Helena man, and fined him £2, without, according to the statements on oath of several witnesses

(in affidavits already sent to Your Excellency) having gone into the accused's case at all, or heard any defence. Such a reference to the High Court being ludicrous, in face of the fact that the law itself defines its operation to South Africans only, I mean, of course, to demand the return of the St. Helena men's fines.

I have, &c.,
EDMUND FRASER.

To His Excellency
The High Commisssioner.

December 28th and 29th, 1898.

The Commission, consisting of Messrs. N. van den Berg (Chairman), J. L. van der Merwe, and Advocate Stockenstrom, appointed to inquire into the charges against Mr. H. S. Lombard, Fieldcornet, in reference to coloured Cape men, began its sittings this morning. Mr. J. Emrys Evans, British Vice-Consul, was also present.

Mr. H. B. Papenfus appeared for the Cape Boys (not the British Government as erroneously stated), Mr. van Diggelen representing the suspended Fieldcornet, Mr. H. S. Lombard.

Mr. Papenfus called.

(1.) Caroline Lingeveld, a coloured woman, who stated she lived at 7, Wolhuter-street. She came from Oudtshoorn here, and she was a British subject. She had been here three years and a few months. She was a washerwoman. Her father's father was a Scotsman. On Saturday, October 29, at 11 p.m., her son came to the door and said "Mother, the Fieldcornet wants my pass." Witness uttered an exclamation "Ach!" Immediately afterwards she heard a noise, and the words at the back "Open the door, or I will kick it open." The door was kicked open, and witness went there and said, "What the —— ——— do you want? Don't you see I am undressed?" A man said "All who are sick can remain, but those who are well must come out." Witness said: "I am a widow. My husband has been dead eight years. There is no man here—only my son." The yard was full of people, who wanted to take her son away because he had no pass. Witness said he had a pass. Mr. Lombard came in. Witness's daughter, aged 16, was present, and a little girl, nine years old, named Mabel Van Blommestein. Witness's son, Willem, said "You won't take him." Witness spoke to the Fieldcornet, saying she last year paid him 10s. for a certificate for her son, and added "We are Africanders. Must Africanders carry passes?" He replied in the affirmative. After that a long man entered the house, and pulled the blankets off witness's daughter and Mabel, and appeared to be looking for something. Mr. Lombard only came into the room and spoke about the 10s., and then left.

The Landdrost: Who was the first man, the one who knocked?

Witness: It was Mr. Kock (Jacobus Kock). There was a front room and a kitchen. They knocked at the back door. It was 9 o'clock when she went to bed, and she lay awake. Her son came home about 10 o'clock. At 3 o'clock Mabel was very ill. Dr. Croghan was sent for, and he said she was suffering from fright. She died on November 15. There had been nothing the matter with her previously. On the 29th she complained to the British Vice-Consul. A man came to her, and she told him all about it. He wrote her statement down. She told him all that had happened, and nothing but the truth. A man named Dodd came and took her evidence, and she told everything to an agent in Dutch. He told her she must be at the British Consul's office at 5 o'clock that evening.

By Mr. Papenfus: She was asked to come forward. Mr. Naude was her neighbour. They were all white men in the yard. Mr. Meiring was also a neighbour.

By Mr. Van Diggelen: She had been ten years in Kimberley before coming to the Transvaal. She was very dissatisfied at having to carry a pass. She would not mind being caught in the street, but did not like them going to the house at night time. She was not asked by those who interested themselves if she were a British subject. She had no certificate from the British Consul to show that she was a British subject. Her son said the Fieldcornet asked him for a pass. She did not see what happened just then, but she could hear. Her son was not dressed at the time. Her brother had been drinking, but was not drunk. She lived near the Pass Office, and was not in the habit of making a noise. As to being impertinent, she reckoned that Mr. Van Diggelen would be impertinent if disturbed in the night as she was, especially if he were a widow and alone. (Mr. Van Diggelen observed that he could hardly be a widow alone.) She was in bed when the door was kicked. De Kock rattled at the door, and made a noise. When she opened the door she found him there. It was a glass door. Mr. Lombard did not do it. She only said to him that she had paid him 10s. last year for a certificate. When the men came to her they did not tell her they wanted to make a case. They only said she was to tell everything, and make an affidavit. Dr. Croghan was there at 10 o'clock on Sunday morning. Eight days afterwards the child went to the hospital. Dr. Croghan said on the Sunday morning that the child was suffering from inflammation of the lungs caused by fright and exposure. The back door was opened. She covered up the child afterwards. The child had always been healthy. Her brother was in his room at the time.

By Mr. Papenfus: Mr. Lombard was in her son's room. De Kock did not see the man take the blanket off.

By Mr. Van Diggelen: The British Consul took her statement in English, and read it over to her. She understood English. She was not forced to do what she did. She was only asked to make a declaration, and she did so. She only told what had happened.

By the Chairman: Mr. Lombard and Mr. De Kock were in Mr. Meiring's room when the long man pulled the clothing off the children.

(2.) Abraham Lingeveld, son of the last witness, said he was a British subject. He lived with his mother, and was a trolley driver. At 9.30 on October 29 he went to bed. He came home about 9 o'clock. His uncle was there also, but had since gone to Bulawayo. He went to sleep, but afterwards heard a noise in the passage. He heard someone say, "This is the place we are looking for." Someone knocked at the door. He lit a candle. Someone outside said, "If you don't open the door quickly, I will kick it open." He had his trousers on, and was putting on his boots, when somebody banged at the door. Witness

said: "Wait a bit; I am dressing." The curtain was on the window, and he could not see. When he opened the door, one of the men came in. That was De Kock. He did not know the others. Kock was the man who spoke, and asked him for his pass, which he could not find, though he had one. Kock asked for his uncle's pass. Kock then went out, and two young fellows came in and looked for his uncle's pass. Lombard stood at the door. Kock looked at the uncle's pass, and then ordered the young fellows present to take him (witness) to the Charge Office. He was admitted to bail, on a bond of £3. When he was brought before the Landdrost on the following Friday morning, he was discharged, and his bail money returned.

Mr. Papenfus said, in explanation of the matter about the certificate, that when a person wanted a pass, he had first to go to the Fieldcornet for a certificate, for which 10s. was charged. He did not know what it was for, or what right the Fieldcornet had to give it.

Witness, continuing, said he did not knock at his mother's door. I was always willing to make an affidavit. I did not complain to Daniels. He looked for me himself. The affidavits were made at Bettelheim's Buildings, in Mr. Dodd's office upstairs. My mother had nothing over her head.

By the Chairman: Mr. Dodds did not tell me to go to the British Consul. When he was taken out he was in his trousers and one boot. Some private persons said, "Give him a chance to put his clothes on," and they did so, and then took him to the Charge Office.

Dr. E. H. Croghan stated he attended Mabel van Blommestein during October. She was sick in a house off Commissioner-street, belonging to a coloured woman. The young girl died later on, and witness gave the following certificate: "On Sunday morning, October 30, I was called to attend Mabel van Blommestein in Wolhuter-street, Johannesburg. She was suffering from an attack of acute pneumonia, and was in a very excited and nervous condition. This condition is not usually associated with pneumonia, but is, in my opinion, produced by fright and shock. She died in Johannesburg Hospital on Tuesday, November 15, and I have no hesitation in stating that her illness was aggravated by exposure to night air and excitement previous to my attendance."

By Mr. Van Diggelen: Her father called me to attend her. He is a white man. She was seriously ill on October 30. She would not have been ill longer than two days before. I had no consultation with the British Consul.

Or anyone from the League?

I saw somebody—I don't know whether he belongs to the League or not. He is the gentleman I gave that certificate to.

Are you a member of the League?—No.

Did any other doctor see the child in the Hospital?

Yes. Dr. Kendell Franks, Dr. Russell, and another doctor.

If the child was healthy, and the blanket pulled off her (witness added), it might cause acute pneumonia.

By Mr. Van Diggelen: There was no post-mortem examination.

Frederick Samuel Naude, suffering from temporary dumbness, handed in a statement as follows: "On Saturday evening, October 29, at about ten minutes to 11 o'clock, I was in bed. There was a light in my room, as I wanted to get some hot poultices for my face, suffering from toothache. I had my head bandaged, and heard voices in the yard, and then footsteps. All of a sudden there was a slamming against the door, and a voice or voices shouting, "Maak open de deur." I demanded who was there, and what do you want? Then a reply came, "Als jy de deur, niet open maakt dan schok ik het open," to which I replied in Dutch, "Als ik hier op stand dan zal ik julle op julle—geven," thinking that it was some drunken loafers who mistook my place for a house of ill fame, whereupon the door was opened, and a young man came in, and wanted to know where my pass was. This was addressed to the woman who was heating the poultice. She replied, "This is a gentleman, and is not required to have a pass." Then the young man took the candle, held it to my face, and said: "O ja, ik kaan zien." Then the Fieldcornet, Mr. Lombard, who I know very well by sight, took the candle and lifted it up, saying, "Ja, dit is een witte man, he is alright." I never uttered a word, when Lombard and the other young man was in my room, and it only lasted, I should say, two or three minutes whilst they were there. Then they proceeded to the next door, which is Mr. Langfelder's back door, and I heard very loud language, but of course do not know what took place until the next morning.

By Mr. Van Diggelen: Witness, writing his evidence, said: "I live in the kaffir location. I was on the jury before Judge Ameshoff, and was discharged through being absent on one occasion, and under the influence of liquor, and ill on another. I have been in the service of the railway company, but was discharged for refusing to do duty at Vereeniging. I have been suffering from cancer for about two months. I was six weeks in the hospital. The woman asked me to make the affidavit."

(3.) Henry Meiring, a coloured man, was sworn, and stated he lived at No. 7, Wolhuter-street. He was a British subject, and came from Worcester, Cape Colony. He had been three years in the Transvaal, and was working at the Ferreira Deep at present. He knew Fieldcornet Lombard since Saturday, October 29. That night he and his wife were awakened about eleven o'clock by hearing a noise. Mr. Coos Kock came in, and Mr. Lombard stood at the door. They had two policemen with them. Mr. Kock asked witness for his pass. He replied that he had none. Mr. Lombard then said: "Don't talk so much to the kaffir; take him." Witness went out, and found a number of other persons who had been arrested. He was taken with them to the Charge Office, and remained there that night. The following Monday he was brought before the Landdrost and fined £3 or 14 days for having no pass. He served the term.

By Mr. Van Diggelen: My wife gave birth prematurely to a child that night. She was frightened. I was not quite sober, but knew well what I was doing. I work at the Ferreira Deep. All I have to complain about Mr. Lombard is that he said: "Take him away." I went to the British Agent to complain. I was told by Daniels to go there a few weeks after I came out of the tronk. I told the British Consul how I had been caught. What I said was written down. Mr. Goldberg, who has a canteen in Main-street, spoke about the case to another gentleman in my presence.

By the Chairman: I never took out a pass because I was never asked about it before. I had drunk three liquors that night.

(4.) Sarah Meiring said she lived with her husband at 7, Wolhuter-street. She was born at Somerset East, and was a British subject. She could read and write. She had been in the Transvaal three years. Her father was a German. On the night of Saturday, October 29, she was in bed with her husband. She heard a row in the yard, and awoke her husband. She said, "The police are in the yard." They banged at the door, and called her to get up or they would kick the door open. She opened the door. She was then in her night dress. The men said, "Where's your pass?" Her husband said he had no pass. Kock then said, "Well, you must come along with me." Lombard was standing in the doorway, and he asked how many kaffirs were in there. She could not say who said, "Open the door." She was frightened, and became sick, and an hour afterwards gave birth to a seven-months-old child. The kitchen door was burst open. One of the policemen said, "This is the place where all the kaffirs are lying." The child was now in Court. It had a bad stomach, and was ill one day and well the next.

By Mr. Van Diggelen: Her husband drank a little now and then, but was never noisy. He was not drunk that night.

Mr. Van Diggelen: You have a blue eye; did your husband give you that?—Witness, sharply: No. I was born with it.

Mr. Van Diggelen: You have a bad hand; how did you get that?—I burnt it.

Mr. Van Diggelen: Why are you so cross?—Because you cross-question me so.

Mr. Van Diggelen: Are there any fierce people at your place?—No; there are no fierce people; I don't live with loafers.

Witness, continuing: The yard was nearly full of men with the police. There would be 10 or 11 in the yard and two in the room. It was not a big yard. They just hammered at the door, and did not knock decently. Her husband must have heard the knocking. She did not say it was Kock that spoke when she made her statement to the British Vice-Consul. She did not have a doctor when she was sick. There was no kaffir in the place at all. Her husband had been home all afternoon, and had not had any drink in the house. She was sick for three weeks after the affair. She had not any previous anticipations of giving birth to a child on that date. Her oldest child was two years of age, and that born on October 29 was the second.

(5.) Carolus Simpson, driver, on Thornton's, said he lived at 26, Wolhuter-street. He came from the Paarl. His father was coloured. His mother was descended from whites and coloured people. One night witness was lying on his bed when there was a knock at the door, and his little son opened it. Someone outside asked, "Where is your father," to which the boy answered, "He is on the bed." He was told to call him. Witness put on his clothes, got up and went to the door, where he saw Mr. Lombard. Mr. Lombard said, "I have come to see what kind of men there are here. The date was about the end of October. Lombard said to him, "I want to see your paper." Witness replied that he would go and get it. Mr. Lombard and another man followed, and he heard the former ask the woman whether there were any more brown in the yard. She said, "There is Williams, and some others." Witness obtained his pass and showed it to one of the men. He then saw Lombard and Williams coming along together. Williams was handcuffed. Witness saw Lombard beat him over the head and shoulders, and heard him say, "Listen to the impudence of the black boy. Wurg hem (choke him). I give you the right," and the other man caught Williams by the throat and pressed him down, and one man hit him. Williams was a tailor.

By Mr. Van Diggelen: I don't know what Williams did. I swear I have not been in gaol in Capetown or Johannesburg.

(6.) Job Jacobs, living in Marshall-street, said on the night of October 29 he heard somebody call out, "Where's your pass?" He got up and looked out, and saw Mr. Lombard addressing Williams. Williams said he had none. Lombard said, "Come out, then." Williams did not go out. Lombard pulled him out, and when he got outside a policeman took charge of him. When they asked him about his pass, Mr. Lombard said, "What are you talking to a black boy for? Choke him, I give you the right." They then knocked him down.

(7.) Carolina Martinus, wife of Isaac Martinus, said she came from Beaufort West, and was a British subject. She knew Mr. Lombard. One Sunday at the time of the commandeering, between 9 and 10 o'clock, he went to her house at Vrededorp. She called her husband. Mr. Lombard asked him his name. He replied, "Martinus." Mr. Lombard wrote it down, and said, "Martinus, I commandeer you to be ready on Tuesday, with eight days' provisions."

Mr. Van Diggelen objected to this evidence, as it was going away from the pass history.

The Landdrost said he thought he had better hear it, and then Mr. Van Diggelen could defend his client on it.

Continuing, witness said her husband said he was not a burgher and was not going. Mr. Lombard jumped off his horse and caught her husband by the vest. He asked Lombard not to hit him in his own house, and Lombard said, "I'll show you I'm boss." Mr. Lombard said, "I commandeer you for the war." Then Lombard came in and stood in front of witness. She protested against Lombard hitting her husband, whereupon Lombard hit her in the face, and she suffered from the blow for eight days. Her husband went into the bedroom. Mr. Lombard followed, and asked why he would not go. He answered that he carried a pass. There was nothing else said about a pass.

Mr. Van Diggelen again protested, as the commandeering had nothing to do with the investigation.

The Landdrost made a reply similar to that of the previous occasion.

Witness, continuing, said she went and made a complaint to the British Consul, and her statement was written down, but she did not sign it.

Mr. Van Diggelen objected on the ground that there was no sworn declaration connected with this witness's evidence.

The Chairman said he thought it would be better if Mr. Van Diggelen defended his client, but if he persisted the Commission would have to refuse the evidence on account of the Commission's instructions having been to enquire into certain specified complaints, which were the subject of documentary evidence.

Mr. Van Diggelen considered it unnecessary for the Commission to go into matters about which there had been no complaint. Why, he asked, should the Commission be put to extra trouble?

Mr. Papenfus suggested that the Government be written to for instructions on the matter. Was Martinus's evidence refused?

The Chairman: Yes.

On the ground that there are no affidavits?

The Chairman: Yes.

Mr. Papenfus said he had appeared there to lay evidence before the Commission. The British Agent told him he had had a conversation with the State Attorney and the Government, and a promise was made to him that all the complaints against the Fieldcornet would be gone into, and the inquiry would be as comprehensive as possible. His suggestion was made in order to save time, as it appeared to him that, if it were not acted upon, the matter would be referred back to the Commission. Mr. Fraser had said he spoke personally to the State Attorney and the Government on the subject, and one of the complaints made by him was that Martinus was interfered with and violence used towards him. The promise was that a full investigation would be made, and they were there to find out the truth.

Mr. Van Diggelen said he was informed that the Government had already decided in the matter of Martinus.

(8.) Jacob Pietersen stated his father was a German and his mother a St. Helena woman. He had been ten years in the Transvaal. On Saturday, 17th inst., he went about 9.20 p.m. to a Chinaman's shop at a corner of the street near his house to buy a box of matches. Just as he came out a lot of people went past. They turned, and two men in private clothes came up to him. They hit him on the head, and kicked him, without saying anything. One of the men he had seen in Braamfontein, on horseback. Witness asked them why they struck him. One said: "You are a prisoner." "What for?" he inquired, and was told to come on. Witness said he had stolen nothing, nor committed any crime. The men told him to come on, and he accompanied them. In Alexander-street a handcuff was put on him, and one of the men caught hold of him by the arm. On getting near "The Star" office witness said to the man who had hold of him: "Why are you taking me away? Tell me." The man said: "No, you bliksem, if the Transvaal is in trouble you run away; if it is the Englishmen you go quickly to help them." He was then taken to the Charge Office yard. One of the men there said: "He is a Cape bastard, and should get 25 lashes." Witness was bailed out for £1. An old baas came, and said to him: "What are you doing here?" He replied that he didn't know. The man said: "It's all right. You are here, and must stay."

By Mr. Van Diggelen: I don't recognise Mr. J. Kock or Mr. Lombard as one of the men. I went to the British Consul. I was not called to go to him. I have never carried a pass. The policeman caught me ten yards from my house, in the street. I have no pass to-day. I forfeited the bail.

By the Chairman: I have been five years working for Jooste and Bryant.

(9.) Charles Timm, a St. Helena man, stated that about three weeks ago (Saturday) he was coming from work, when a private policeman came and asked him where his pass was. He replied that he had no pass, but a certificate from the British Vice-Consul. Witness showed him the certificate, and he looked at it, and told him to stand on one side. Witness asked him what his bail was, and was told by him that it was £5. Another gentleman came to witness, and asked him why he had to pay £5, while others only paid £1. He showed him the certificate, and the man told him he could go for a sovereign. Witness paid the sovereign. On the following Saturday he showed the Landdrost the certificate, and he said that although witness was a British subject he must have a pass.

The Chairman: I see here in the certificate it says you were born in St. Helena. Was that shown him?

Witness: Yes. I was fined £2 or 14 days. I paid the fine.

By Mr. Van Diggelen: I was before the Third Landdrost. I got the certificate in October this year. I was run in once before last year, and the magistrate told me I must get a certificate. I wrote to my parents in Natal, and they told me to go to the British Consul.

By the Chairman: I was brought to Mr. Pretorius in the yard, and I showed him the certificate. He told me to stand on one side.

Pieter Heinrich Antoine Lillpopp, Acting District Surgeon, was called by Mr. Van Diggelen, and stated that it was impossible for a child with whom there was nothing at all the matter at 11 p.m., to contract acute pneumonia by 3 o'clock the next day as a result of the bedclothes being pulled off the child.

The Chairman: We are of opinion that the woman was not correct on that point. The child must have been suffering before.

The witness, further questioned, said the statement in Dr. Croghan's certificate, that the child was "suffering from an attack of acute pneumonia, and was in a very excited and nervous condition . . . . not usually associated with pneumonia," was contrary to his experience.

Mr. Van Diggelen (reading the certificate): "And in my opinion produced by fright and shock."

The Chairman: Oh, that's all nonsense (gekheid).

Mr. Van Diggelen (continuing): "I have no hesitation in stating that her illness was aggravated by exposure to night air and excitement previous to my attendance." To be aggravated a person must be sick before?

Witness: Yes.

Mr. Papenfus: If she was awakened by a noise and shock, and the clothes were taken off her, do you think it would be good for her health, doctor, or that it would be possible to get pneumonia in consequence?—Yes, because pneumonia is the result of the presence of little germs.

If the germs were there, then, the shock and pulling off of the clothes would make the case worse?—It may be so.

If the girl suffered from delirium and you had been told that she had been exposed to the night air, would you, as a medical man, be in a position to state that it was not an aggravation of the illness?—No.

(10.) Dirk Petersen, called by Mr. Papenfus, deposed that he was a tram driver, and had been here since 1897. He had always taken out a monthly pass. On Monday, December 12, he was walking in Commissioner-street, when a policeman (No. 34) stopped him, and asked him for his pass. He showed it, and was then asked by him where his badge was. He answered that it was at his house, and said that the law compelling him to wear a badge had been altered. The constable arrested him, and he was bailed out for £2.

By Mr. Van Diggelen: I went to the British Consul, and was told the law had been altered, and there was no need for me to wear a badge.

The Chairman: The law was altered in regard to highly civilised coloured people, provided they obtained a £3 pass.

By Mr. Van Diggelen: The British Consul did tell me to be obedient to the law. I was fined 10s. I told that to the British Consul. He only took my statement. He did not tell me there were other courts to appeal to.

Mr. Papenfus said he hoped it would be noted that he had other evidence to bring forward if the Commission was willing to accept it, with regard to the commandeering and the passes. As he said yesterday, the British Consul understood that the investigation would be made as far-reaching as possible, and he was now prepared to have the witnesses examined.

The Chairman: We cannot do it.

Defence.

Mr. Van Diggelen then called evidence for the defence.

H. F. van Dyk, Registrar of the First Judicial Court, stated he was present yesterday when the Chairman requested Sarah Meiring to be there with her child next morning. He heard her make a disrespectful remark, implying that she did not intend to come.

A. J. F. Boshoff, Clerk to the Second Judicial Commissioner, gave similar evidence.

(1) Hermanus Stephanus Lombard, the suspended Fieldcornet, whose case was under investigation, was sworn, and stated he was sometimes occupied in looking for passes at the request of the pass office officials. There had been complaints from several mines about locations, and he went to Dr. Krause for advice. The Public Prosecutor advised him to act in conjunction with the pass officers, and go out and examine the coloured people's passes. That was the reason he went out on October 29. He did it at the request of Mr Coos Kock, a pass official. Mr. Joubert was acting at the time in the place of Mr. Pretorius, and was therefore a higher official than Mr. Kock. The pass officials went with witness as far as the Market Buildings on October 29. He went out between 7 and 8 p.m., his reason for going so late being that the Cape boys could not be found in the day time, as they were at work in the mines and elsewhere. The work was over about a quarter to 11. Witness went out because he thought it his duty. He did not go with the object of hindering British subjects. His office was in the vicinity of No. 7, Wolhuter-street, and there were a number of bastards and other persons living about there, of whom complaints had been made to him, on account of drunkenness, &c. Witness had himself sent complaints to Government with reference to the noise going on there at times. He did not, on the evening of October 29, or any other night, kick in any door, and it was not done by any of his officials; at least, he had not seen it done. He never pulled British subjects out of their houses that night, and did not see it done by anyone else. With the exception of Williams, he had not used violence to any coloured boy. People had been arrested in the street for not having passes, but not by himself. He did not hear anyone say he was a British subject. He gave Williams a blow with the flat of his hand, because he swore at him and at the Government. Williams said, "Verdom, I won't have myself arrested, as I don't carry a pass." Witness thereupon said to the men with him: "Take him, as he is so impudent." Constable Nel then took him by the arm, and Williams pulled away and struck at witness, probably taking him for a policeman. He then gave him the blow. He said to Williams, "Why don't you go to the tronk, you won't be hanged." Witness knew nothing about the clothing being pulled off the girl or the premature birth, &c.

It has been stated you were paid 10s. for a certificate?—Yes. There is a regulation as to coloured persons, who are not required to wear badges.

They come to you to get documents?—Yes.

It is not your duty as Fieldcornet to do that work?—No.

It is really an agent's work?—Yes.

Do you know that the Fieldcornets in the Colony do it?—I don't know.

Did you ask advice of anyone?—Before I took payment for any such document I issued I had the advice of Dr. Krause. I asked him with reference to declarations about animals that were to be sold, and he said I could charge for such declarations. For instance, if anyone wanted a declaration written out to the effect that a horse to be sold was his own property, I could do it. The Cape boys and others came to me and wanted declarations written for them, saying they were working for themselves, &c., and as I had a private clerk whom I paid £20 a month out of my own pocket, I made a charge.

Is the writing of declarations a part of your work or not?—No, and that is why I asked for advice.

You did not take payment for the certificate?—No.

Anything extra, outside your capacity as Fieldcornet, you are paid for; for instance, when you are called out by anyone to assess damages under the Schut Law?—Yes.

By the Government?—No.

You get fees for it?—Yes.

Have you anything to do with the Orphan Chamber?—Yes.

And do the persons for whom you act as valuator pay special fees?—Yes.

You get a fixed salary from the Government?—Yes.

And have to do certain work as Fieldcornet?—Yes.

Is the making out of declarations included in that?—No.

The Chairman: In the Colony the Fieldcornets' salaries are very small, and payment for extra work is necessary. Do you know anything about the custom in the Cape Colony?—No.

Mr. Papenfus: I understand that when these persons come to you you write out a declaration that they are working on their own account, and then give a certificate?—Yes.

And the 10s. is for the declaration?—Yes.

And that is your compensation?—Yes.

The people have to go to you for a certificate and then pay £3 10s., and if the pass be taken quarterly the amount to be paid is £5 a year.

Witness: They can go to another person and get the declaration written if they like.

Were Mr. Kock and the others who went out acting under your instructions?—No, I went with them.

What did you go out for?—To see that the work was properly done.

Do you know anything against the Langevelt's and Meiring's character?—No.

I want to know where you got the right to go to people's houses between 10 and 11 at night and demand their passes?—I went at the request of the Pass Officers.

Do you only remember Williams?—Yes, because he used violence.

Did you see Mrs. Meiring come undressed to open the door?—No.

Who were with you that evening?—Coos Kock and the police of the Pass Office. There were 8 or 10 of them, and about 6 of the mounted police. I did not see any row. The whole street was full of people. I know nothing about the kicking open of any doors. It may be that the door was opened under the fear of threats.

You had no warrant to go to the house?—No.

You heard the statement of the woman with reference to commandeering, and that she was hit by you?—It's a lie.

But you were there?—I was there by order of the Commandant.

And you saw her husband also?—Yes.

And he would not go with you?—No; he was very impudent.

And afterwards he was taken by the policeman?—I was not there then.

The Chairman: Do you know whether there was a long man there or not?—The police who were there are all pretty tall.

(2.) Jacobus Stephanus Kock stated he was Labour Inspector, under the Pass Law. On October 29 he was out to inspect the passes of coloured people. The investigation was under his supervision. They went out about half-past 7 and returned at a quarter to 11. They went out at night because they could not get the people in the day time so easily. Witness did not kick in any door, and did not see anyone else do so. He was not at any house, and did not see the Fieldcornet go into any house; and he did not see that official use violence, or assault anyone. Witness did not assault anyone himself, and no one else did, as far as he could see. He gave no orders to any of the men to go into any house. Witness had several boys arrested that night. Williams swore, and said he had only been three days here. Witness said to him: "It's no use swearing; you can be bailed out." He heard no one say, "Let me go! I am a British subject." None of the men made a noise such as to cause premature birth, or anything of that sort.

By Mr. Papenfus: I know nothing against the characters of these coloured people. The police I had acted under my instructions. There was not a pretty big row that I heard. I was never by a door, so as to see if threats were used. I did not go into any house, nor did any of my subordinates—at least, I did not see them. The coloured men arrested were brought to me in the yard. They might have been taken out of the house.

By Mr. Van Diggelen: I did not go out specially to catch British subjects, but coloured men having no passes. I have no special hatred against the brown men from the Cape.

By Mr. Papenfus: If a man has a pass, and does not wear a badge, I have instructions to arrest him under the law.

By Mr. Van Diggelen: When a man produces a £3 pass, showing that he is of a higher degree of civilisation, I do not arrest him.

The Chairman: The law says all coloured men of South African origin?—Yes.

What about St. Helena boys?—We let them go.

What about the one that was fined?—He did not show that he was a St. Helena boy.

Supposing he shows a letter like this:—October 26, 1898. These are to certify that Charles Tim, born in Pietermaritzburg, Natal, of parents born in the Island of St. Helena, is a British subject. J. Emrys Evans, Vice-Consul?—If such a certificate is produced, I let him go.

Mr. Papenfus: Don't you get instructions from the Government that it is unnecessary that Cape boys should wear a badge?—No; only those who pay the £3.

By the Chairman: I did tell the men not to go into the houses.

But it looks to me as if they go in all the same? Well, I cannot say whether the police do it or not.

It is unfortunate that the affair took place at night.

(3.) Philippus Rudolphus Nel, constable of the Pass Office, said he was out with Mr. Kock and the Fieldcornet on the night of October 29, to look for people without passes. Mr. Kock was in the street; he did not see him in the yard of the house referred to, where the boys were taken. They (the police) were not in any house, and he did not kick in any doors, or take any people out of their houses. He saw no violence used. Witness arrested one man, on orders of the Fieldcornet, because he had no pass, and offered resistance. The Fieldcornet gave this man a smack because he was impudent, and swore.

By Mr. Papenfus: I went there by orders of the Pass Inspector. The Fieldcornet was present.

(4.) Mr. P. Jause van Rensburg, another policeman, of the Pass Office, gave evidence of a similar nature. The Fieldcornet and J. Kock were their leaders.

Mr. Papenfus stated to the Commission that the woman wanted that morning was absent on account of the child being ill.

The matter of the St. Helena man having been referred to,

The Chairman said he wished to know whether Tim was exempt from the South African Pass Law or not.

Mr. Van Diggelen said there was the judgment of the Landdrost, and it was not for the Commission to say whether it was right or not. If anyone disputed it, the High Court was the proper tribunal to decide the question.

The Chairman: We will leave that matter then.

Mr. Papenfus remarked that it was rather hard for the man to have been made to pay £2, but it was not worth while appealing for the sake of that amount.

The Chairman: There are many coloured people coming here from all parts—Morocco, the East Coast, &c., and, as Mr. Van Diggelen remarked, it is not possible to tell their nationality by simply looking at their noses.

The Chairman then declared the Commission closed.

No. 34.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 21, 1899.)

SIR, Government House, Cape Town, February 1, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch of the 11th ultimo,* a copy of a despatch from Her Majesty's Acting Agent, Pretoria, on the subject of the recent ill-treatment of coloured British subjects at Johannesburg.

I have, &c.,
W. F. BUTLER,
Lieutenant-General, Administrator and
Acting High Commissioner.

Enclosure in No. 34.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, January 25, 1899.

WITH reference to my despatch of December 31st, on the subject of the recent ill-treatment of coloured British subjects at Johannesburg, I have the honour to inform Your Excellency that the State Attorney, having heard the report of the Commission of Enquiry appointed to consider the conduct of Fieldcornet Lombaard and other officials in connection therewith, gave as his opinion to the Executive Council that, although the Fieldcornet and others had certainly erred in making the recent raid upon coloured people after dark, and when many of the complainants were asleep, yet, in view of the fact that no definite instructions had been issued by the Government last year as to special treatment for Cape coloured people, he could find no sufficient reason for further punishing the officials concerned, and the Executive Council accordingly resolved to reinstate the fieldcornet in his office.

On asking for the official evidence, I was informed that the report given in the "Star" (already sent in my despatch of December 31st) might be taken as a full report. I have in that despatch expressed my opinion as to how little the coloured people's evidence was rebutted. I understand that, in letting these charges pass without further notice, this Government was to a great extent influenced by recent events during the Edgar Demonstration, and by the fact that the South African League had made mention of the charges in question in their recent petition, so that any punitive action by this Government would have had the appearance of deferring to the opinion of the League, which has raised so much resentment among the burghers.

No. 35.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 1, 1899.)

SIR, Government House, Cape Town, March 14, 1899.

WITH reference to Sir W. Butler's despatches,† I have the honour to transmit,

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* No. 33.

† Nos. 31, 32, 33, and 34.

for your information, a copy of a despatch which I have addressed to the British Agent at Pretoria, respecting the attacks on Cape coloured persons which led to the suspension of Fieldcornet Lombaard, and the enquiry which resulted in his re-instatement.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 35.

The HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

SIR, March 10, 1899.

I HAVE had under my consideration Mr. Fraser's despatches respecting the renewed persecution to which Cape coloured persons and other British subjects have recently been subjected at the hands of the Fieldcornet and Pass Officials at Johannesburg.

2. The understanding arrived at in August, 1897, between you and the Government of the South African Republic would, if honourably observed, have prevented the necessity of my making further representations on the subject; but the events reported by Mr. Fraser, and, above all, the attitude taken up by the Government of the Republic with regard to them, compel me to recur to the matter.

3. It appears that on the night of the 29th October these officials made what I can only describe as an organized raid upon coloured British subjects, and arrested about forty of them for not being in possession either of monthly passes or badges. These arrests were made in a very harsh manner—amounting in certain cases to actual brutality—and in most instances were shown to have been unjustifiable by the fact that the accused were eventually discharged. I will deal later with the proceedings at these night arrests, when I come to discuss the evidence offered at the Government enquiry; for the moment I confine myself to tracing the sequence of events.

4. Affidavits sworn by the aggrieved persons were placed in the hands of Mr. Fraser, who at once forwarded them to the State Attorney for investigation. The Government of the Republic expressed their strong disapproval of the general course of action by the Fieldcornet and Pass Officials, and promised that if the report of the Public Prosecutor should inculpate them to the same extent as the statements in the affidavits, some fitting punishment should be meted out to them.

5. But these cases, bad as they appeared to be both to Mr. Fraser and also, apparently, to the Government of the Republic, do not stand alone. I learn that this was the fourth occasion within 18 months that complaints from coloured British subjects of arrest, &c., had reached Her Majesty's Agency; that during the past year attempts had been made—and even carried out—to evict Cape coloured families from their places of business in Pretoria and Johannesburg; and that the threat of eviction is constantly held over these people, and only averted, in the case of individuals, by bribing the Town Inspector. I note as a special instance of this that during November three families of coloured persons from Cape Town showed Mr. Fraser notices of expulsion served on them, although they had resided in Pretoria for the last seven years.

6. Some days later Mr. Fraser reported that while awaiting the results of the Public Prosecutor's enquiry, and although the Government of the South African Republic had expressed their strong disapproval of the proceedings of their officials, further affidavits had been furnished to him, showing that a renewal of the persecutions had taken place; and that, besides Cape coloured persons, about a dozen British subjects from St. Helena, and one from Mauritius, had been arrested, and some fined without even being heard in their defence, for offences under the Pass Law, although that law does not even profess to have any application to persons from the latter Colonies. The defiant nature of these proceedings is illustrated by the fact that in the case of one St. Helena man both the police and the magistrate ignored a certificate of nationality issued by the British Vice-Consul; and it appears, moreover, that the Fieldcornet had been publicly boasting that he cared nothing for his own State Secretary or for the representations of the British Agent.

7. On these matters being brought by Mr. Fraser to the notice of the Government of the Republic, with a demand for a full enquiry into the charges against the

Fieldcornet and other officials, the State Secretary informed him that there was no reason to suppose that the affidavits were not true in fact, and that the President, who was extremely angry at the turn of events, had already suspended the Fieldcornet. The State Secretary subsequently offered the appointment of a Commission of Enquiry into all the charges, with the President's assurance that all the officials implicated would be dismissed, and Mr. Fraser assented to this arrangement.

8. The enquiry was accordingly held on the 28th and 29th of December, and the report of the Commission was transmitted to the State Attorney. The Acting British Agent on applying for a copy of the report was not furnished with it, but was referred instead to the newspaper report appearing in the "Star."

9. With regard to the night arrests on the 29th October, the evidence of the aggrieved persons, as thus reported, is substantially in accordance with their affidavits. It is not denied that a party of 16 or 18 officials and police went, without any warrant, to the houses of coloured British subjects at a late hour, when some of them had already retired to bed, and compelled them to open their doors under the fear of threats; that they demanded the passes of the men found there; and that, if these were not forthwith produced, the men were then and there arrested and taken to the Charge Office.

10. Coming now to the various cases enquired into:—

(*a*) The witness, Caroline Lingeveld, asserts that Lombard, with others, entered her room, and that one of the party pulled the blankets off her daughter, a girl of 16, and a child of 9, named Mabel. A few hours afterwards the child became very ill, was seen by Dr. Croghan, who said she was suffering from fright, and was removed to the Johannesburg Hospital, where she died on the 15th November. Dr. Croghan, in his certificate, stated that, when first called to the child on the morning after the occurrence, she was suffering from an attack of acute pneumonia, and was in a very excited and nervous condition, in his opinion produced by fright and shock, and he had "no hesitation in stating that her illness was aggravated by exposure to night air and excitement previous to his attendance."

Of the four officials called to give evidence in their defence, Lombard stated that he knew nothing about the clothing being pulled off the girl, while the others do not appear to have been specifically examined on the point. The evidence of Surgeon Lillpopp, also called for the defence, who had not seen the child, was chiefly directed towards showing the probability of the child having been previously ill; but he did not deny that if the occurrence did take place Dr. Croghan's conclusion might be correct. The Chairman of the Commission gave his opinion that Dr. Croghan's view of the child's condition being produced by fright and shock was "all nonsense."

(*b*) Abraham Lingeveld was arrested for not producing his pass, though he had one, and was taken to the Charge Office, admitted to bail, and eventually discharged.

(*c*) According to the evidence of Henry and Sarah Meiring, their room was entered about eleven at night, and the woman, from fright, was taken ill and, an hour after, prematurely confined. The man, not having a pass, was carried off with a number of others, locked up for the night, and on the Monday sentenced to 14 days' imprisonment, in default of paying a fine of £3.

Both the Fieldcornet Lombard and the Pass Inspector Koch acknowledged that they knew nothing against the character of any of these coloured people.

(*d*) The case of the man L. A. Williams was referred to in the enquiry, although, for some reason which I am not aware of, the man himself was not called as a witness.

In his affidavit, sworn before the British Vice-Consul on the 29th November, Williams states that his parents were West Indians; that he was born in Jamaica, and came to South Africa when a child; and that he lived in the Cape Colony till he came to Johannesburg some six years ago. He was at Kimberley for a few months, and returned to Johannesburg on the morning of the 29th October. The affidavit continues: "I was staying at Francis' house in Marshall Street. I am a tailor working for myself, and have had no master or baas for two years. Between 9 and 10 o'clock on the 29th October Mr. Lombard knocked at the door, and demanded entrance. I opened the door, and he asked 'Where is your pass?' I said, 'I carry no pass.' He said, 'Where does Jacob live?' I said, 'I will show you.' When I went out a Mr. Nel caught hold of me, and told me to stand still. Lombard then struck me in the mouth. I said, 'If you take the law in your hands, I won't go with you.' Nel then poked me with his stick under the eye, and asked Lombard's permission to punish me. Lombard said, 'Throw him down and choke him.' I was then thrown to the ground, and Nel got on my chest with his knee. I was then handcuffed and taken to the Charge Office, being beaten all the way. At the Charge Office I paid £10 bail. I appeared at Court on Monday, 21st (? 31st), when I was remanded till

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Friday, November 4th, when I was discharged. Francis was also arrested, and can testify to my ill-treatment. I was given no travelling pass at Vereeniging, and consequently could have had no pass issued here. * * * * I am still suffering from my injuries, and cannot sleep at night from them. I was just recovering from a severe illness when I was thus ill-treated."

Of the witnesses who gave evidence on this matter: (1) Carolus Sampson deposed that he saw Lombard and Williams coming along together. Williams was handcuffed. Witness saw Lombard beat him over the head and shoulders, and heard him say, "Listen to the impudence of the black boy. Choke him; I give you the right." The other man caught Williams by the throat, and pressed him down, and one man hit him. (2) Job Jacobs saw Lombard asking Williams for his pass. Williams said he had none. Lombard said, "Come out then." Williams did not go out. Lombard pulled him out, and when he got outside a policeman took charge of him. When they asked him about his pass, Lombard said, 'What are you talking to a black boy for? choke him; I give you the right." They then knocked him down. (3) The Fieldcornet Lombard deposed that he gave Williams a blow with the flat of his hand, because he swore at him and the Government. Williams said, "Verdom, I won't have myself arrested as I don't carry a pass." Witness thereupon said to the man with him, "Take him, as he is so impudent." Constable Nel then took him by the arm and Williams pulled away and struck at witness, probably taking him for a policeman. He then gave him the blow. (4) Constable Nel stated that he arrested one man, on the orders of the Fieldcornet because he had no pass, and offered resistance. The Fieldcornet gave this man a smack, because he was impudent and swore.

11. Evidence was then led by Mr. Papenfus, the counsel for the aggrieved parties, on matters unconnected with the night arrests of the 29th October, viz.:— (*a*) Carolina Martinus, who stated that she had been struck in the face by Lombard for protesting against his striking her husband, after "commandeering" him. The counsel for the defence, Mr. Van Diggelen, objected to this matter being enquired into; and his objection was upheld by the Chairman "on account of the Commission's instructions having been to enquire into certain specified complaints which were the subject of documentary evidence." Mr. Papenfus protested against this ruling, pointing out that a promise had been made by the Government to the British Agent that all the complaints against the Fieldcornet would be gone into, and that the enquiry would be as comprehensive as possible; but the Chairman adhered to his decision.

(*b*) Jacob Pietersen, a St. Helena man, who had been 10 years in the Transvaal, and had been working for five years for Messrs. Jooste and Bryent, deposed that he was set upon in the street by two men in plain clothes, struck, kicked, and handcuffed, without a word of explanation, and taken to the Charge Office, where he was bailed out for £1, which he eventually forfeited.

(*c*) Charles Timm, another St. Helena man, was stopped by a policeman, who demanded his pass. He showed, instead, a certificate of nationality from the British Vice-Consul, and the man, after extorting a sovereign from him, let him go. The next day he appeared before the Landdrost, who, although the certificate was produced to him, sentenced him to a fine of £2, or 14 days, for not having a pass.

(*d*) Dirk Petersen, a tram driver, was stopped in the street, and because he was not wearing a badge, although carrying his pass, he was arrested and fined 10s.

12. Mr. Papenfus then tendered further evidence, both as to the commandeering and the passes—again referring to the promise of the Government that the enquiry should be as far-reaching as possible; but the Chairman declined to receive it, although a day had elapsed since his former decision, and he had therefore had ample time to refer to Pretoria for instructions.

13. On the 25th January Mr. Fraser reported that the State Attorney, having heard the report of the Commission, gave as his opinion to the Executive Council that, although the Fieldcornet and others had certainly erred in making the recent raid on coloured people after dark, and when many of the complainants were asleep, yet, in view of the fact that no definite instructions had been issued by the Government last year as to special treatment for Cape coloured people, he could find no sufficient reason for further punishing the officials concerned; and that the Executive Council had accordingly resolved to reinstate the Fieldcornet in his office.

14. I am bound to state that this decision, and the ground assigned for it, have left a painful impression on my mind. It would have been only reasonable, considering the circumstances under which the Commission was appointed, that I should have been given an opportunity of seeing their report, and in its absence I am unable to conjecture the reasons which led the State Attorney to such a conclusion. I presume

that he has read the evidence, and it appears to me to show beyond all question that the officials whose conduct was called in question are totally unfit for their duties. I consider that the very grave statements made by the complainants are left practically unrefuted, and that the officials are proved to have acted not only harshly, and even brutally, but also, in some cases, in flagrant violation of the law they are appointed to administer. And yet the only point in the whole case that appears to the State Attorney worth referring to is their "error" in entering houses after dark.

15. But the excuse offered by the State Attorney for reinstating Lombard raises an even more serious question. By giving as his reason for the reinstatement "that no definite instructions had been issued by the Government last year as to special treatment for Cape coloured people," he in effect assumes on behalf of his Government the full responsibility for the acts of these officials. I may remind you that not long after the question appeared to have been set at rest by the arrangement of 1897, a renewed persecution of these coloured persons took place. In your despatch of 5th April, 1898, reporting an interview that you had had with Dr. Leyds on the subject, you wrote, "I said that I felt sure that the Government, appreciating my good intentions, and realizing the undesirability of raising the colour question in a contentious form, would now see that their assurances were faithfully fulfilled. I added that I felt no doubt of their bona fides, but that it was absolutely necessary that distinct orders should be issued to the police and Pass Officials on this subject, for they appeared to have acted off their own bat, and to be responsible for the present breaches of the mutual understanding. Dr. Leyds again assured me that the Government warmly appreciated my attitude in dealing with the question, and said that I might rely on the arrangement being loyally carried out."

16. In the face of these assurances, it is deeply discouraging to read the statement of the present State Attorney, which I have quoted above. It is clear that the Government of the South African Republic do not sufficiently appreciate how strongly Her Majesty's Government feel about this continual persecution of these British subjects. I am perfectly willing to believe that the police, especially at Johannesburg, are a good deal out of hand, and that acts of violence are often done by them, of which the Government entirely disapprove. But it is impossible that a persecution so systematic and persistent as that directed against these coloured people could take place if the Government were firmly resolved that it should cease. The result of the recent enquiry and the reinstatement of Lombard is little calculated to give the impression of such resolution.

17. I learn from your telegram of the 8th that the Government is anxious to continue negotiations about the status of coloured persons. No doubt it is desirable to arrive at a general settlement of the question. But no future agreement will be of any use unless it is better observed by the authorities of the South African Republic than that already arrived at. And it must always be remembered that, however useful it may be to define more clearly the position of various classes of coloured people in the South African Republic, Her Majesty's Government requires no new agreement, but already possesses the fullest right to protect its subjects, of whatever race, resident in that country, from such persecution as forms the subject of my present remonstrance, and that it is determined to do so.

18. I request that you will communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

His Honour
Her Majesty's Agent,
Pretoria.

No. 36.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, April 12, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th of March,* transmitting a copy of a despatch which you have addressed to the British Agent at Pretoria, respecting the attacks on Cape coloured persons, which led to the suspension of Fieldcornet Lombaard and the enquiry which resulted in his reinstatement.

I approve your despatch to Mr. Conyngham Greene.

I have, &c.,
J. CHAMBERLAIN.

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* No. 35.

No. 37.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received April 14, 1899.)

Sir, Government House, Cape Town, March 28, 1899.

With reference to my despatch of the 14th instant,* I have the honour to enclose a copy of a despatch from Mr. Greene, enclosing a reply from the Government of the South African Republic to my remarks on the proceedings of Field-Cornet Lombaard and the Commission of Inquiry into them.

I am not particularly perturbed by the strong language of the last paragraph of the State Secretary's note. My observations, to which he was replying, were also strong. I never expected a soft answer to those observations, my object in making them being to impress upon the Government of the South African Republic that I felt keenly about the maltreatment of the coloured people, and to make them more alive to the necessity of restraining the violence of their officials. It does not follow that, because the Government of the South African Republic are very much irritated by my criticisms, they will not be more careful to avoid giving occasion for such criticisms in future.

As you are well aware, I extremely dislike making any representations whatever to the Government of the South African Republic, and avoid doing so whenever I decently can. My reason is that experience has taught me that gentle remonstrances are perfectly useless, while emphatic remonstrances are very likely to elicit, as in this case, a reply of much acerbity. It is, however, my deliberate opinion that, while abstaining as much as I can from any representations whatever, it is better, when I am forced to make them, to speak with as much plainness as the circumstances warrant. Plain speaking will not aggravate a situation which is already about as strained as it can be. And it may, however much it is apparently resented, have some practical effect.

I do not think that any practical good would result from replying to the State Secretary's note at the present time, though it would not be difficult to do so.

The note consists mainly (1) of allegations that I have on various points been misled by Mr. Fraser; and (2) of abuse of Cape coloured people generally.

As regards (1), it is, of course, unfortunate that Mr. Fraser's report of his conversation with the State Attorney, as given in his despatch of January 25th, on which report some of my criticisms of the action of the South African Republic Government were based, should now be traversed by Mr. Smuts. On one point in dispute—a minor one—the conflict of evidence is only apparent, and arises from a slip of mine, which I regret. I stated in my despatch that Mr. Fraser "on applying for a *copy of the Report* was not furnished with it, but was referred instead to the newspaper report appearing in the 'Star.'" My quotation from Mr. Fraser was not accurate. What he said was that "on asking for the *official evidence* I was informed that the report given in the 'Star' might be taken as a full report." Mr. Smuts, therefore, is no doubt justified in saying that he did not refuse to give Mr. Fraser a copy of the Report of the Commission; but when he goes on to say "he had as little reason to refuse to comply with so reasonable a request as to refer Mr. Fraser to the *wholly inaccurate and faulty report in the 'Star,'*" his statement is clearly in conflict with Mr. Fraser's quoted above. A similar, and no less important conflict of evidence exists as to the reasons given by Mr. Smuts for the decision of the Government not to punish the officials concerned. He denies that he ever gave the reasons which he is reported to have given by Mr. Fraser. If that is so, then no doubt some of the observations of my despatch fall to the ground. But, on the other hand, the South African Republic Government are then in this position, that they have not given, and apparently think it unnecessary to give any reasons—other than general attacks on the character of coloured people—and the conduct of the South African League—for not punishing their officials for conduct on which their own Commission, biassed as it appears to me to have been, reported as follows: "It is the opinion of this Commission that in the present case irregularities occurred, inasmuch as these coloured people, who are permanent residents here, were taken out of their houses during the hours appointed for their nightly rest, examined and arrested without lawful warrant." (See Point VII. in Appendix A, to the State Secretary's Report.)† That is conduct on the part of the police, which the Government of the South African Republic apparently considers justifiable.

(2). And that, because the coloured people are so annoying. I am not concerned to deny that the lower class of coloured people are often very irritating and very rude, though I may doubt whether the degrading treatment accorded to them in the South African

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* No. 35. † Not printed.

Republic is calculated to cure them of these or any other faults incident to their low stage of civilisation. But I entirely fail to see how particular coloured people, against whose character the police themselves admitted that they knew nothing, could have "provoked" the police by being in bed at night, or what conceivable justification there was for making a raid "without lawful warrant" upon them under those circumstances—whether or not such raid was accompanied by violence resulting in death and premature delivery. I still think, as I have told the Government of the South African Republic, that the officers of justice who are capable of such pranks, are "totally unfit for their duties," and I consider that the Government shows a very insufficient regard for its own character in allowing such conduct to pass without punishment or reprimand.

I have, &c.,
A. MILNER.
Governor and High Commissioner.

Enclosure in No. 37.

BRITISH AGENT, Pretoria, to HIGH COMMISSIONER.

Her Majesty's Agency, Pretoria,
SIR, March 24, 1899.

ON the receipt of Your Excellency's despatch of the 10th instant on the subject of the Lombaard case, I communicated a copy of it to the State Secretary, and I have now the honour to enclose a copy of a note which I have received from Mr. Reitz in reply.

The note, which is much too long to analyse in detail, begins by impugning the accuracy of Mr. Fraser's report to the High Commissioner on the subject; denies that there was any reason for lodging official complaint in the matter, and ascribes the action taken in connection therewith to the animosity of the South African League towards the Republic. After passing strictures on the character of the Cape coloured people in general, and defending the action of the Government in regard to its observance of the understanding of August, 1897, the note admits that treatment is sometimes resorted to by the police and other officials which it is difficult to defend, but states that no one who knows the Cape coloured people can be surprised at the occurrence of such cases notwithstanding all the efforts of the Government to prevent them.

The note concludes with remarks as to the justification of Your Excellency's representations in such complaints, and closes with strictures on your style of correspondence and a homily on the virtues of mutual forbearance.

One passage on the last page of the note has caught my eye, viz., "at the inquiry the complainants' Advocate was accompanied by Her Britannic Majesty's Vice-Consul and other persons belonging to the South African League." Remembering the manner in which the Public Prosecutor at Johannesburg endeavoured to fix the charge of complicity with the South African League upon Vice-Consul Evans at the time of the Edgar inquiry, it is not impossible that the words of the passage above quoted may intend to convey a similar impression.

I have, &c.,
CONYNGHAM GREENE.

To His Excellency
The High Commissioner, Cape Town.

(Translation).

Ministry for Foreign Affairs, Pretoria,
SIR, March 22, 1899.

I HAVE the honour to acknowledge the receipt of your note of the 14th instant, enclosing a copy of a despatch from His Excellency the High Commissioner respecting certain alleged cases of illtreatment of Cape coloured persons at Johannesburg, in the month of October last.

Before replying to the particulars set forth in His Excellency's despatch, I desire to remove certain misapprehensions under which His Excellency has been brought by the Acting British Agent.

Mr. Fraser appears to have informed His Excellency that the State Attorney refused to supply him, at his request, with a copy of the report of the Commission of Inquiry into

the Lombaard affair, and had referred him instead to the "Star." The State Attorney considers this allegation of Mr. Fraser's as inexplicable, since he had as little reason to refuse to comply with so reasonable a request as to refer Mr. Fraser to the wholly inaccurate and faulty report in the "Star."

Since His Excellency appears to make a complaint of the refusal of that report, a copy thereof is attached hereto, for His Excellency's information, marked "A."

Mr. Fraser appears also to have forgotten to report to His Excellency that he had said to the State Attorney upon the publication of the evidence in the said inquiry in the newspapers, that he could not see how the Government could discharge Lombaard on such evidence, but that he deserved to be removed. Mr. Fraser made a further mistake when he informed His Excellency, on the authority, again, of an alleged statement of the State Attorney, that Field-Cornet Lombaard had been re-instated, instead of being punished, on the ground that no definite instructions were issued last year by the Government with reference to the special treatment of Cape coloured persons. Mr. Fraser appears to be under a misapprehension in this matter also, since not only were there resolutions of the First Volksraad of the 12th and 13th of August respecting this question, which were as well known to him as to the State Attorney and all the other officials, but the Government had sent further distinct instructions upon the subject in question to all the officials concerned; a copy of the instructions sent to the Pass-Officer at Johannesburg, marked "B," is annexed for His Excellency's information, as a specimen of the similar instructions issued to the other officials. From these His Excellency will observe how unfounded is the charge that the Government on its side has not honourably observed the understanding arrived at in August, 1897, respecting this question.

As regards now the complaints of His Excellency respecting the special cases of ill-treatment mentioned by him, he appears to have lost sight of certain points of especial importance.

1. That the persons who were the objects of the alleged ill-treatment have never lodged any complaints in the Courts of this Republic, which stand open to them, nor with this Government, nor with the representatives of Her Britannic Majesty at Johannesburg or Pretoria, and that, as one of the witnesses declared, there was no reason for lodging an official complaint.

2. That the declarations upon which the inquiry was instituted a month after that the alleged cases had taken place, were obtained from the aforesaid persons by members of the South African League, who had no desire to help these persons or to seek out the truth, but only to display their animosity against this Republic, and who incited these coloured persons to make the complaints in question.

3. That the class to which these persons belong can seldom be relied upon to speak the truth and that the persons who lodged declarations before the Vice-Consul and the Commission of Inquiry, contradicted themselves so repeatedly and so grossly that the Commission, notwithstanding its instructions to investigate the matter thoroughly, was unable to arrive at any other finding than that returned by it.

4. That, as was apparent even in the Court of Inquiry itself, these persons are so impudent and provocative that the cases of actual rough treatment, which are regretted by this Government, on the part of the police were only the natural consequence thereof. No police in the world, however long-suffering and well-disciplined, could put up with the provocation of these persons, who usually belong to the lowest moral class of society.

This Government goes, however, further and must express its surprise that His Excellency on the ground of the repeated cases of alleged ill-treatment mentioned by him can be led to the conclusion that this Government had thereby broken the understanding of August, 1897. The understanding between the two Governments which found its expression in the principle laid down in the Volksraad resolutions and the Executive Council's resolutions referred to above, namely that Cape coloured persons who had reached a higher degree of civilisation or who practised a profession, calling or occupation, were not to fall under the ordinary pass regulations but should obtain instead for themselves specially a certificate of registration in return for a payment of three pounds, was certainly never observed by these coloured persons. None of them were in possession of the certificate in question and thus could not plead freedom from the pass regulations under this understanding.

As regards the particulars of the cases referred to by His Excellency, this Government is of opinion that it is unnecessary to proceed any further in the matter. When the complaints were originally brought to its notice, it appointed as competent and impartial a Commission of Inquiry as possible, in order to thoroughly investigate the matter. At that inquiry the complainants were represented by an Advocate of the High Court, who was

accompanied by Her Britannic Majesty's Vice-Consul at Johannesburg and other persons belonging to the South African League. The Commission issued its report and therewith the matter is at an end as far as this Government is concerned.

This Government does not wish to deny that, especially with respect to these Cape coloured persons, treatment by the police and other officials is occasionally resorted to which it is difficult to defend; but no one who knows these coloured persons can feel surprised that such cases as those under notice sometimes take place, notwithstanding all the efforts made by this Government to prevent them.

Mr. Fraser has, for example, been made acquainted with cases where it was made clear that Cape coloured persons who had complained bitterly of their removal to the Location at Johannesburg were, as a matter of fact, inhabiting and supporting brothels. The greatest circumspection is always necessary in judging of such complaints, and this Government regrets therefore all the more that His Excellency, in discussing them, has not hesitated to accuse its officials of corruption and similar malpractices, without, however, acquainting this Government with particulars which might enable it to inquire into the foundation of his accusations. It expresses the hope that His Excellency will see that such a style of correspondence between two friendly Governments is destined neither to bring the subject under treatment to a satisfactory solution, nor to advance the feeling of mutual respect between yourself and this Government, and that it is only by the exercise of reciprocal forbearance in the treatment of these and similar cases that the native or coloured persons' question in South Africa can be solved.

I have, &c.,
F. W. Reitz,
State Secretary.

Conyngham Greene, C.B.,
Her Majesty's Agent.

SECTION V.—COMPLAINTS OF OUTRAGES ON PERSONS AND PROPERTY.

No. 38.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received 1.40 p.m., December 24, 1898.)

TELEGRAM.

24th December. British subject shot by policeman at Johannesburg, details not yet reported. British Agent in South African Republic has question in hand, and charge of murder has been entered against prisoner. Case appears to excite considerable feeling in Johannesburg; will be closely watched by me.

No. 39.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received 7.5 p.m., December 27, 1898.)

TELEGRAM.

27 December. Referring to my telegram of 24 December,* British Agent in South African Republic reports that at meeting held Johannesburg, Saturday, petition to Her Majesty the Queen was adopted, which will be sent by post. Demonstration passed without serious incident. Particulars of shooting of Edgar go home by to-morrow's mail; a street brawl at night was followed by police breaking into house, when Edgar was shot by policeman inside his own door.

No. 40.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 16, 1899.)

[*Answered by No.* 45.]

(Extract.)

Government House, Cape Town, December 28, 1898.

WITH reference to my telegrams of the 24th and 27th instant,† respecting the shooting of a British subject named Edgar by a policeman at Johannesburg, I have the honour to transmit to you, for your information, a copy of correspondence with Her Majesty's Acting Agent at Pretoria on the subject.

Enclosure 1 in No. 40.

HER MAJESTY'S ACTING AGENT, Pretoria to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

22nd December, 1898. Edgar murder. State Attorney agrees to cause rearrest of policeman on evidence of three affidavits which I have shown, unless Public Prosecutor can show sufficient rebutting affidavits to support recent release on

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* No. 38. † Nos. 38 and 39.

bail. On strength of my affidavit State Attorney considers charge must be murder, but it may ultimately be more expedient, in order to secure verdict from jury, to charge with culpable homicide.—FRASER.

Enclosure 2 in No. 40.

HER MAJESTY'S ACTING AGENT, Pretoria to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

24th December, 1898. Johannesburg Vice-Consul informs me British subjects will make representations to him this afternoon at Consulate in a body, and "Star" newspaper calls upon British subjects to assemble in numbers for this purpose. Proposed representations relate to Edgar murder case and persecution of our coloured people. I have informed Vice-Consul that British subjects have perfect right to make representations to him, either singly or in a body, but that they should avoid anything in shape of public meeting outside, especially as this seems unnecessary for purpose of official representations to him, either on Edgar case, in which first satisfaction has already been given by State Attorney, informing me that policeman who murdered Edgar had been rearrested yesterday, and would not be released again before trial begins, or in case of persecution of our coloured people, in which I have already obtained suspension of Field Cornet by verbal representations. I have requested Vice-Consul to inform Edgar Committee. Agitation reported assuming formidable proportions.—FRASER.

Enclosure 3 in No. 40.

HER MAJESTY'S ACTING AGENT, Pretoria to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, December 23, 1898.

ON the night of Sunday, the 18th instant, a Johannesburg policeman entered the house of an Englishman named Edgar, without a warrant, by breaking open the door by force (after what was apparently only a slight quarrel with some person unknown, on the street outside, in which Edgar is supposed to have been implicated), and—without any sufficient provocation—shot Edgar dead in the presence of his wife. It is unnecessary for me to further lay out the facts in this case, as they are related, just as they were given also by the reporter of the Government's own organ, in the enclosed affidavits sworn before the British Vice-Consul in Johannesburg. The policeman was at once arrested, although he ran away, and was charged and remanded next day for trial on the count of murder. Public opinion, which had reached a high pitch of excitement in Johannesburg, where Edgar, a boilermaker to a leading firm, was well known and respected, was thus momentarily satisfied; but, to the astonishment of even this Government itself, the Public Posecutor on the next day after released the policeman on bail, on the plea that only a charge of culpable homicide could be sustained. The bail, moreover, was fixed at only £200, and it was publicly announced in the press that the bail had not been paid in cash, but had been accepted in the form of monthly deductions to be made from the pay of the other policemen in Johannesburg. Indignation meetings were held by the British residents at Johannesburg, and a committee was formed of eight leading Englishmen, all of them known to me personally, who waited upon the Vice-Consul and asked him to represent the case to me along with the affidavits which they had sworn. As a mass meeting has been summoned for to-morrow (Saturday), I saw that no time must be lost in taking action, and therefore at once called the attention of the State Attorney and the State Secretary to the gravity of the situation, handing them at the same time these affidavits. The State Attorney at once admitted that, if the Public Prosecutor had no better evidence than the press reports contained, wherewith to rebut the account given in these affidavits, he had certainly been guilty of a grave error of judgment in acting as he had done, for the present evidence all pointed to a simple charge of murder as the only proper one. As for the bail, he also agreed with me that the amount and method of payment were scandalous. So I asked him to telegraph at

once to the Public Prosecutor and ask what his rebutting evidence was, and, in any case to assure me that, unless such evidence was very strong indeed, the policeman would at once be rearrested and incarcerated until his trial came on next February. In allusion to a press report that the policeman pretended to have been struck with a stick on breaking open Edgar's door, I stated that I could not for a moment accept such an excuse for bailing him out, since, as he had entered Edgar's house by house-breaking without a warrant, Edgar had a perfect right to strike him if he chose, while, on the other hand the existing affidavits pointed to the story of his having been struck at all as a pure invention and lie. I still await the State Attorney's report, after his telegram to the Public Prosecutor, but I have made it abundantly plain that I do not intend to let the matter rest where it is. As to the ultimate charge to be brought against the policeman, the State Attorney was doubtful whether the charge had not better be one of culpable homicide, for the reason that, in the presence of a Boer jury, his counsel would have a much easier task in getting him off under a charge of murder than for culpable homicide. But the chances of a Boer jury convicting him at all are so small that I said I should not assent to either charge until I had seen what rebutting evidence the Public Prosecutor brought. I have informed the Committee accordingly.

I have, &c.,
EDMUND FRASER.

His Excellency
Lieutenant-General Sir W. F. Butler, K.C.B.;
&c., &c., &c.

P.S.—Since I wrote the above, the State Attorney has informed me of the rearrest of the policeman, and that he will not again be released until his case comes on for trial. The only pretext at present offered for not indicting the policeman for murder is that Edgar defended himself with a stick when the house door was broken in; and the Public Prosecutor has admitted now that he gave orders for the release of prisoner on bail on an insufficient enquiry through a detective. I have already informed Your Excellency by telegraph of the agitation to which this incident of releasing the policeman on bail has given rise in Johannesburg, and of my endeavour to avoid a public meeting now that satisfaction has been given by his rearrest.

E. F.

I, Bessie Jane Edgar, make oath and say as follows:—

I am the widow of the late Tom Jackson Edgar.

Between 12 and 1 on Monday morning, the 19th inst., my husband returned home to our house, No. 5, Florrie's Buildings. I was in bed, and heard him coming up the passage between the houses.

I was awake and heard him coming; I heard some men who lived in the house opposite call for him; they called "ene indaba" in Kaffir to him; my husband called "ikona indaba." After more words, they called "voetsak"* to him; he then crossed the passage, and asked them whom they were telling to "Voetsak."

He then came to the house and shut the front door, and locked it, and entered the bedroom. I got out of bed, and asked him what was the matter. He replied the men were impudent to him; he had never spoken to the men before.

Almost immediately after I heard the same men at the bedroom window; they tried to open it with a stick and get into the room.

I then heard them urging the police to get my husband out. They then went to the front door and back to the window two or three times, but could not get in. There were several there, as they made a fearful noise.

All this time my husband was sitting quietly in the bedroom; he was perfectly sober. Suddenly I heard the men outside throw themselves against the door, and burst it open.

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* "Get out."

We then both rushed to the front door, which opened into the sitting room, and my husband had barely time to get to the door when I saw a policeman raise a revolver and shoot him. He fell back, and died almost immediately.

Before the shot was fired the policeman never said anything to my husband, nor had he time to say anything to the policeman before he was shot.

There were at least two policemen and a crowd of other persons, who half filled the passage, but directly the shot was fired they all ran away.

There had been no quarrel between my husband and the men who spoke to him that night. They were perfect strangers to him, and I am sure he had never spoken to them before.

Several policemen came up afterwards when my husband was lying on the ground, and I asked them to get me assistance, and bring me a little water, but not one of them would do anything for me.

My husband only lived a few minutes after he was shot.

The death of my husband has left myself and my infant daughter entirely destitute.

BESSIE J. EDGAR.

Johannesburg, December 21, 1898.
Before me,

J. EMRYS EVANS,
Vice-Consul.

I, Donald Bourke, make oath and say:—

I am a painter by trade, and live at Frederick Street, Johannesburg.

On Monday morning, between 12 and 2 o'clock, I was in my room five or six doors from Florrie's Buildings. I heard someone shouting out "Police." I jumped out of the window, and saw the man who was calling "Police." I ran out to see what was the matter, and met the police in the street; there were three police. I directed one of the police where to go to in Florrie's Buildings, and went into the Court with the police. I then heard a man say, "Take this man in charge; he knocked my mate down." It was the same man who called "Police" who spoke. He pointed to some man who ran into the doorway into a room in Florrie's Buildings. I do not think that the man struck the policeman.

The man who called "Police" then said, "Break the door in; he is inside"; he repeated this two or three times, and then one of the police went up to the door, and I heard the door broken in. I was about ten yards away, but it was dark. Almost immediately after the door was broken in, I heard a shot, and saw a man stagger out and fall in the court, apparently dead. I saw no weapon of any kind in the man's hand. One of the police ran down the court, and sung out to another policeman, "Jan (or Jones) schiet de man dood," in Dutch. I am certain that it was a policeman who said this. I have made and signed a statement to this effect in the detective office on the day of the occurrence, having been asked to do so by Mr. White, a detective.

DONALD BOURKE

Sworn at Johannesburg this 21st day of December, 1898, before me,

J. EMRYS EVANS,
Vice-Consul.

I, Joseph Friedman, make oath and say:—

I am a painter, and live in Sauer Street, Johannesburg.

On Monday morning the 19th inst., at about 1 a.m., I was returning home from the Gaiety Theatre, and had just reached the corner of Anderson and Sauer Streets, when I heard the cry of "Police" in Frederick Street, which is the next street running parallel with Anderson Street.

I ran round to Frederick Street, and saw a man standing just outside Florrie's Buildings, calling "Police." Just as I got up to him I saw two policemen running up Frederick Street from the direction of the Salisbury mine, and a third came up from another direction.

When the police came up the three policemen, the man, and myself went up the yard of Florrie's Buildings together. The man showed us a man lying in the yard, and pointing to Edgar's house, said, "The man inside has knocked him down." This was all he said. The man lying on the ground was, in my opinion, very drunk.

One of the policemen then said to me that they could not do anything, as they had got no warrant. He then asked me to go with him while he opened the window. One of the other policemen was at the door, at which he had been knocking.

The first policeman then took his truncheon, and lifted the window of the bedroom with it, and looked in. I looked in also, and saw Mr. Edgar standing inside in his shirt sleeves. Mrs. Edgar was behind him in her nightdress.

Just then a fourth policeman came running up the yard. The man who had called the police repeated to him the statement he had previously made to us, but did not ask him to arrest Mr. Edgar or to break into his house.

The policeman thereupon without uttering a word or asking a question went straight to the door of Mr. Edgar's house, drew his revolver, and pressing his left shoulder and knee against the door after one or two attempts forced it open. The very instant he had broken the door, he fired his revolver, which he had ready in his right hand, while he was forcing in the door.

I was standing right up against the door on the right of the policeman, almost touching him, and I could see what happened distinctly. As the door was forced in, I saw Mr. Edgar standing just behind it, and the policeman, the instant the door fell in, without saying a word himself, or giving Mr. Edgar a chance to speak, fired straight at him. Mr. Edgar fell instantly. I was so close that some of the blood from his wound went on to my face.

As soon as he had fired, the policeman ran away as fast as he could, but as he was doing so one of the other policemen, whose name is Roux, called out to him "Jones," which I thus gathered was his name. He was a tall, big man, with a black moustache. I have never seen him since, but I would be able to identify him.

After Mr. Edgar fell, we, that is, the three policemen, the man who shouted Police," and myself, went to his assistance, and I went away to get a doctor, leaving the three policemen by the body. When I returned they were still there.

The man who called "Police" I ascertained lived in a house nearly opposite Mr. Edgar's, with the man whom he said had been assaulted. After the shooting they both went inside, and remained there.

Johannesburg, December 21, 1898.

J. EMRYS EVANS,
Vice-Consul.

J. FRIEDMAN.

No. 41.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 3.30 p.m., January 18, 1899.)

TELEGRAM.

[*Answered by No.* 48.]

18 January. Following resolution passed unanimously at a public meeting held in Maritzburg on 14th January; about 1,200 were present. Begins: (1) That this meeting of burgesses of city of Pietermaritzburg, convened by his Worship the Mayor, desires express its strong sympathy with British subjects in South African Republic in the grave difficulties and dangers under which they are suffering, as embodied in the petition forwarded to British Agent at Pretoria from Johannesburg, and this meeting protests against manner in which the rights and liberties of their fellow-subjects are being infringed by a Government which is under the suzerainty of Her Majesty the Queen. (2) That this meeting supports the demands of British subjects in Transvaal Republic for a recognition of their rights, the refusal of which is a menace to the peace of South Africa, and respectfully petitions Her Majesty's Government to intervene to remove this cause of South African unrest. (3) That this resolution be forwarded, through his Worship the Mayor, to His Excellency the Governor with a respectful address that he may be pleased to transmit resolution by cable to Secretary of State for Colonies, and that a copy of resolution be transmitted to British Agent at Pretoria.

No. 42.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 23, 1899.)

[*Answered by No.* 45.]

SIR, Government House, Cape Town, January 4, 1899.

I HAVE the honour to enclose for your information with reference to my despatch of the 28th ultimo,* a copy of further papers on the subject of the shooting of a British subject named Edgar, and the demonstration at Johannesburg in connection therewith

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure 1 in No. 42.

HER MAJESTY'S ACTING AGENT, Pretoria to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, December 28, 1898.

WITH reference to my telegram, of the 24th instant, I have the honour to forward to Your Excellency a press account of the demonstration at Johannesburg, on that afternoon, and of the presentation of a Petition to the Queen at the British Vice-Consulate there. The enclosed report appears to me to be the most impartial which I have seen in the newspapers, and it agrees with what I have myself heard from other sources. As I spent the day following the incident, Christmas Day, and the Public Holiday next day, in Johannesburg, I had an opportunity of judging to some extent how far feeling had gone, and what were the motives of the movement. The demonstration was undoubtedly chiefly arranged by the Members of the South African League, although it is true that there were other names upon the list of the Committee which had been formed in connection with the shooting of the Englishman, Edgar, on the 19th instant. But whoever may have been the organizers, it is a fact that the death of Edgar, and the subsequent release of his assailant on bail, did stir up the feelings of a large section of the operative class, to which Edgar belonged, and to many of whom he was well-known as a hard worker and respectable man. Those who organized the demonstration, and drew up the Petition, coupled with the Edgar case that of the ill-treatment of coloured British subjects; but, as both questions had been engaging my attention during the week, and as I had obtained from this Government a first satisfaction in both cases, namely the re-arrest of the policeman who shot Edgar, and the suspension of the Field-cornet, pending an enquiry into coloured people's charges against him, it appeared to me that the original reason for proposing the demonstration had been to a great extent removed by my action; I therefore anticipated little more than a verbal representation to the Vice-Consul, and, having no knowledge that any Petition was to be presented, telegraphed to the Vice-Consul early that day, in answer to a telegram to me, the night before,—"that the agitation was assuming formidable proportions," as follows:—

"I have seen the State Attorney, who tells me that the policeman who shot Edgar was re-arrested yesterday, and will not be released until his trial comes on; the question of charge against him not yet settled.

"British subjects have a right to make any representation to you that they may think desirable, and either singly or in numbers; but they should avoid anything in the shape of a public meeting outside the Vice-Consulate, especially as this seems unnecessary for the purpose of making representations to you, either on the Edgar case, in which first satisfaction has already been given as above, or in the cases of persecution of coloured British subjects, by local officials, in which I have already obtained the suspension of the Field-cornet (pending an official Commission of Enquiry) by means of verbal representations. Please show this telegram to the Edgar Committee."

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* No. 40.

From the enclosed account, Your Excellency will see that, although some four or five thousand persons did gather on the Market Square and near the Vice-Consul's Office, in the Standard Bank Buildings, in Commissioner Street, yet all that their leaders did was to invite them to repair to the Vice-Consulate, where the Petition was presented to Mr. Evans, who had previously called upon those present not to make any speeches. As regards the terms of the Petition, had I known that it was to be presented at all in writing, I should myself have endeavoured to have some of its more exaggerated passages altered, especially in certain points of fact. But, as I have said, I had no idea that any such written document was to be handed to the Vice-Consul. In any case, no serious results have followed this demonstration, saving a very large amount of recrimination, and charges and counter-charges as to its origin and motives. Your Excellency will be able to judge from the terms of the Petition itself how far its expressions are justified. As I have shown above, much that is complained of, in the more immediate causes of the demonstration, had already been to some extent redressed before the Petition was presented; again, the difficulty of obtaining revolvers for self-protection, alluded to in the first paragraph, is exaggerated, as Government Officials have always told me here, that such permits will be granted at once to anyone who is not known as a dangerous character; the fact that the police carry revolvers, although a dangerous fact, is not surprising, at least as regards the outskirts of Johannesburg, when one remembers the disorder that has attended the establishment of any Goldfield. The charge of invading private houses without warrant is unfortunately better founded, and I have myself had to point this fact out to Your Excellency in recent despatches: it does constitute a grave danger, and one which could be easily rectified by better police-administration. Altogther, where the Petition touches the subject of administration, and the conduct of local officials, it touches the weak spot in Transvaal government, and one as to which, in the interests of the Boers, as well as the alien population, it certainly behoves this Government to introduce reforms.

I must add that, in my opinion, the whole demonstration was due directly to the extreme error of judgment on the part of the Public Prosecutor of Johannesburg, in letting Edgar's assailant out on bail, when the bare facts of the shooting as reported in the Press next day certainly pointed to a grave charge against the policeman, Barend Stephanus Jones, who broke into Edgar's house without a warrant and killed him.

I have, &c.,

EDMUND FRASER.

His Excellency
The Acting High Commissioner.

THE EDGAR TRAGEDY.

The meeting of British subjects held at Johannesburg on December 24th, for the purpose of endorsing a petition to be presented, through the British Agent, to Her Majesty's Government in connection with the shooting of the man Edgar by a policeman, was attended by some thousands of people. The proceedings, which at first were quiet and orderly, later on assumed a somewhat unpleasant phase. Owing to the crowd resenting some remarks disparaging to Britishers, made by a Boer—one of a party assembled apparently for the purpose of showing their contempt for the proceedings—the crowd closed in upon the party of Boers and hustled them about. Sticks were freely used. The police came to the rescue of their countrymen, and managed to find shelter for them within the Post-office walls. An appeal was made to the Britishers to act quietly, and the excitement subsided, and the business of the meeting was proceeded with. Mr. C. D. Webb asked the crowd to accompany the committee to the British Consul's office, for the purpose of presenting the petition which had been drawn up. The time had come when the British subjects should assert their rights for justice. The Petition Committee then proceeded to drive to the Consulate, but the horses were unharnessed and the crowd dragged the carriage to its destination. The British Vice-Consul (Mr. Emrys Evans) received the deputation on the balcony of the Standard Buildings, and intimated that there were to be no speeches—simply the reading of the petition. The petition, which was read by Mr. Dodd, was as follows:—

The Humble Petition of British subjects resident on the Witwatersrand Goldfields to Her Britannic Majesty, Queen Victoria:—

1. Your loyal subjects on these fields are by law denied the free right of possessing such arms as may be necessary to protect their lives and property, and such obstacles are

placed in their way as to render the obtaining of the necessary official permits almost impossible; consequently the uitlander population of this State is to all intents and purposes an unarmed community.

2. On the other hand the burgher section of the community, irrespective of age, is permitted to possess and carry arms without let or hindrance, and are, in fact, on application, supplied them by the Government free of charge.

3. The police of this State is exclusively recruited from the burgher element, many of the police being youths fresh from the rural districts, without experience or tact, and in many instances without general education, or a knowledge of the English language, the force, as a whole, is entirely out of sympathy with the British section of the community, which forms the majority of the population.

4. The foot police of Johannesburg, in whose appointment we have no voice, is not a military force, yet its members not only carry batons, but are also armed with six-chambered revolvers, invariably carried loaded.

5. Under these circumstances, given an unarmed community policed by a body of inexperienced rustics carrying weapons of precision and utterly out of sympathy with the community they are supposed to protect, it is not surprising that the power placed in the hands of this police force should be constantly abused.

6. For years past your subjects have in consequence had constantly to complain of innumerable acts of petty tyranny at the hands of the police.

7. During the last few months, however, this antagonistic attitude of the police has assumed a much more serious and aggressive aspect; without warrant they have invaded private houses and taken the occupants into custody on frivolous and unfounded charges never proceeded with; violently arrested British subjects on the public streets on unintelligible charges; and generally displayed towards Your Majesty's subject a temper which undoubtedly tends to endanger the peace of the community. In adopting this demeanour the police are supported, with but few honourable exceptions, by the higher officials, as instanced by the continual persecution in the Courts of many of Your Majesty's coloured subjects at the very time when negotiations are proceeding between Your Majesty's Representative and the Transvaal Government with regard to their status. This feeling is also strongly evidenced in the particular case which we now bring to Your Majesty's notice.

8. The lamentable tragedy which has been the immediate cause of this our humble petition cannot therefore be regarded as incidental, but as symptomatic.

9. This case is that of the shooting of Tom Jackson Edgar, a British subject, by Police Constable Barend Stephanus Jones, a member of the Johannesburg Constabulary.

10. From the accompanying affidavits already published and sworn by eye-witnesses of the tragedy, it would appear that the deceased while in the occupation of his own house, was shot dead by P.C. Barend Stephanus Jones, as the latter was in the act of unlawfully breaking into the house without a warrant.

11. P.C. Barend Stephanus Jones, though in the first instance placed in custody on a charge of murder, was almost immediately afterwards let out on bail by the Public Prosecutor, who, without waiting for any magisterial inquiry, reduced the charge on his own initiative to that of culpable homicide.

12. The bail on which the prisoner was released was the same in amount—namely, £200—as that required a few days previously from an uitlander charged with a common assault on a member of the Government Secret Service, and the penalty for which was a fine of £20.

13. The widow and orphan of the late Tom Jackson Edgar have been left absolutely destitute through the death of their natural protector.

14. To sum up,

We humbly represent to Your Majesty that we, your loyal subjects resident here are entirely defenceless since:

(*a*) The police are appointed by the Government and not by the Municipality;
(*b*) We have no voice in the Government of the country;
(*c*) There is no longer an independent judiciary to which we can appeal;
(*d*) There is therefore no power within this State to which we can appeal with the least hope of success; and as we are not allowed to arm ourselves, our last resouce is to fall back on our status as British subjects.

15. We, therefore, humbly pray:—

That Your Majesty will instruct your Representative to take such steps as will secure:

(*a*) A full and impartial trial on a proper indictment, of P.C. Barend Stephanus Jones, and adequate punishment for his offence if found guilty;

(*b*) Proper provision by the Transvaal Government for the needs of the widow and orphan of the deceased Tom Jackson Edgar, killed by their agent;

(*c*) The extension of Your Majesty's protection to the lives, liberties, and property of your loyal subjects resident here, and such other steps as may be necessary to terminate the existing intolerable state of affairs.

And your petitioners will ever pray.

Mr. Evans briefly intimated that the petition would be forwarded to the proper quarter.

Mr. Clem. Webb asked that those who desired to authorise the signature of the petition on behalf of that assemblage should signify their assent by holding up both hands.

A perfect forest of hands immediately sprung up, and the unanimous response evoked by Mr. Webb's invitation called forth a renewal of the cheering.

Addressing the crowd, Mr. Webb said: Now that we have done all that is necessary as British subjects in order to emphasise their objection to what has taken place, I would ask you to disperse as quietly as possible, so that there may be nothing said against us. (Loud cheers.)

Enclosure 2 in No. 42.

HER MAJESTY'S ACTING AGENT, Pretoria to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria. December 30, 1898.

WITH reference to my despatch of the 23rd instant, I have now the honour to enclose a press report (from the "Star") of the proceedings at the preliminary enquiry before the magistrate into the charge against the Johannesburg policeman, Barend Stephanus Jones, of shooting the Englishman Edgar on the night of the 18th—19th instant. I do not propose to enter upon a discussion of the merits of the case, which has now been referred, in the usual way, to the State Attorney, for his decision as to whether the accused should be committed for trial before the High Court in February. I will only remark that the enclosed report, which is the fullest I have seen, and which does not differ materially from any other press report except in its greater length, seems to show that the Public Prosecutor, who has been deeply offended by the slur cast upon his judgment through the orders from Pretoria to keep the accused in prison, instead of out on bail, was more inclined to defend than to prosecute, and showed an extraordinary desire to incriminate either the British Vice-Consul or the South African League, for what he termed "contempt of Court," in connection with the publication of certain affidavits in the "Star." I am surprised, in fact, that the Public Prosecutor was entrusted with the conduct of the prosecution at all, except that it is no doubt part of his official duties in ordinary cases. I may add that the evidence does not seem to me to prove in any certain way that the policeman was struck at all by Edgar, before the latter was shot down by the former.

As for the Public Prosecutor's attacks upon the Vice-Consul and the South African League in connection with the affidavits, which are of immediate importance on account of the official position of our Vice-Consul, I believe, in the first place, that the publication of such statements taken on oath, in a newspaper, can no more be accounted a "contempt of court" nor prejudicial to a fair trial, than an ordinary journalistic account of any murder taken down by a reporter from the lips of the witnesses—and such an account, in very much the same words as these affidavits, had appeared in the whole press the day after the tragedy. These affidavits, now in question, had been forwarded to me by the Vice-Consul, in order that I might have proof enough to request the State

Attorney to order the re-arrest of the accused. I read them and handed them to the State Attorney at the Agency, and he himself remarked that they had already appeared in the "Star" that day. I had noticed the Public Prosecutor's complaint that they constituted a contempt of Court (in a press paragraph), and gave it as my own opinion that, although I did not actually know who had given them to the "Star," and might regret their publication before communicating them to the State Attorney, yet such publication could not be deemed "contempt of Court," for the reason given above. I understood the State Attorney to agree with me, and he in any case offered no objection to my view. But I myself resented their appearance in the press, while I was actually engaged in making representations on the subject, and, from information which I have since obtained, I have no doubt that the members of the South African League, or possibly Edgar's brother as well, are responsible for their appearance in the "Star." On hearing of the Public Prosecutor's objection to their publication, the British Vice-Consul wrote to me as follows:—"Assuming that the 'Star's' report is correct, the Public Prosecutor (Krause) insinuated that I am responsible for the publication of the affidavits in the 'Star.' The position is this: The affidavits were brought to me ready to be sworn before me, in the ordinary way, by the members of the South African League, who were acting in the matter with the consent of the Edgar family. They brought five copies (type-written), and two were left with me after completion. The members of the South African League gave the copies to the 'Star,' and I cannot possibly be held responsible for their having given these copies to the newspaper. Krause can have no evidence that I was a party to the publication, and he had absolutely no justification for either attempting to get evidence from witnesses to prove my 'complicity,' nor for the observations he made as to my being guilty of contempt of Court. I therefore think that the State Attorney might call upon him to apologise in Court for his aspersions on me, and also for the way in which he bandied my name before the public. He seems generally to suppose that I have no right to do anything in the way of assisting British subjects, and that my action as Vice-Consul is nothing more nor less than officious meddling. I trust that you will be prepared to make representations to the State Attorney in above sense; and, if necessary, the members of the South African League are ready to support my statements by affidavits."

I myself entirely agree with the Vice-Consul, and shall so inform the State Attorney. As Vice-Consul it is obviously his duty to let affidavits be sworn before him, and, moreover, to let the persons interested take away the originals or copies, as they may think fit; for most affidavits would not be of much use if they were not to leave the Vice-Consul's hands. I never for a moment supposed that Mr. Evans could have sanctioned their publication in the "Star," knowing, as he did, that I required to make official representations on the strength of these documents. Either the Edgar family or the Leaguers thought perhaps to force my hand by the publication, exactly as the latter did in permitting certain affidavits to appear in the "Cape Times," much to my annoyance, before the Vice-Consul had supplied me with full copies to lay before this Government, on the recent outrages on Cape coloured people. I have myself had many an affidavit sworn before me, and I cannot see that it is any concern of mine what happens to such an affidavit after the interested parties have carried it away.

I may add that the enclosed report shows that it was Edgar's own brother who collected the evidence and called together the persons who swore the affidavits, and that I consider that he was very amply justified in so doing, in face of the fact that the Public Prosecutor had let the accused out on bail before any preliminary enquiry had been held, thus leaving Edgar's relatives to seek the only redress apparently open to them, namely an appeal, which was successful, for my intervention with the authorities at Pretoria.

"STAR," Thursday, December 29, 1898.

At the First Criminal Court this morning, before Advocate Beyers, Bart Stephanus Jones, a police constable, stationed in Johannesburg, underwent a preliminary examination on the charge of the murder of Thomas Jackson Edgar, on December 19, 1898.

The precincts of the Court were crowded, and in anticipation of a disturbance, the authorities had a battalion of mounted policemen stationed outside the Government

Buildings. The people, however, were most orderly, and there was no manifestation of feeling. Commandant Van Dam and three police lieutenants were in court.

Dr. Krause conducted the prosecution on behalf of the State, and Mr. A. Alexander appeared for the prisoner.

Mr. Alexander requested the Landdrost to have the witnesses sent out of Court.

Dr. Krause thought such a proceeding was unnecessary; it would cause too much disturbance.

Mr. Alexander did not press his application.

Medical Testimony.

Dr. Peter Anton Heinrich Lillpopp stated he was Acting District Surgeon. He had made a post-mortem examination on the body of Tom Jackson Edgar, which was brought to the mortuary from Florrie's Chambers, 15, Anderson Street. The body was identified by two white persons in the presence of Detective White. There was a lot of dark blood running from the nose, and it appeared that he had fallen forward on his face. Blood was flowing from a wound in the chest, which appeared to be a bullet wound. When he opened the chest, he found that a bullet had gone through the top part of the left lung, and severed the artery. The direction of the bullet was from left to right, downwards. On examination of the stomach he found it contained a quantity of alcoholic liquor.

Dr. Krause: Have you examined the accused also?—Yes; on the day before yesterday; Tuesday, December 27.

Did you find any wounds on the accused?—Yes; he was bruised on the forepart of his left arm; the bruises appeared to have been caused by a stick. There was also a wound on the left side of his head. The wounds on the arm were caused seven or eight days ago, and they were quite plain yet. That would lead witness to believe considerable violence was used.

Would they have been caused by this (an iron bar)?—It is quite possible they were caused by blows of that, and the wound on the head also.

You examined a man named Foster, with Dr. Neale?—Yes.

What condition did you find him in?—The man is very weak and he walks with difficulty. His reason seems to be affected. It took him a long time to reply to questions. It is quite possible his condition is due to ill-treatment.

Is it possible that his condition is due to a blow on the head?—Yes.

Cross-examined by Mr. Alexander: Is it possible that the wounds on the forearm and the head of the accused were caused by the same blow?—No.

I heard from your report that the deceased was a strong man?—Yes.

The bullet also struck the hand of the deceased?—Yes; the deceased must have been standing in a bent position, forward, and his hand must have been outstretched.

And the contents of the stomach were smelling strongly of alcohol?—Yes.

And the deceased was not, as the "Star" says, perfectly sober?—No.

Dr. Neale was next examined. He deposed that he had, in conjunction with Dr. Lillpopp, examined Foster. He seemed to be in a peculiarly weak condition, and he certainly was not right in his head. He took a long time to answer questions. There were no marks of injury on him that he could find. He walked with a very unsteady gait.

Details of the Tragedy.

Arthur Frederick Shepherd, of No. 7, Florrie's Buildings, Anderson Street, deposed that he remembered the early morning of December 19; it was at about 12.30; he was in the company of Sylvester and Foster. They had just come home and Sylvester went to bed. Witness stood at the door and had his coat off and had a smoke. Foster came out of the room and stood against the wall. Foster said, "Voetzak," to his dog. The deceased came across and said, "Who do you 'Voetzak'?" Witness said to the deceased, "Excuse me, I am not speaking to you." Witness also told the deceased not to take any notice of Foster, as he was drunk. The deceased knocked Foster down. Witness said to the deceased that it was a very cowardly thing to do, and that he had no right to strike the man. There was no provocation. Foster laid on the ground as if he were dead. Witness said to the deceased that he would call a constable, and arrest him for the assault. Witness then went to the end of the building to call a constable. He called five or six times before the police turned up. Witness was under the impression that Foster was dead. When the police arrived Foster was still lying prostrate on the floor

Witness pointed out the room in which the deceased lived. The deceased probably ran into his room as soon as witness called for the police. The constables went up to the door of the deceased's room and the defendant made a noise with the handle of the lock. After the door was opened witness saw the deceased with an iron bar in his hand and his arm uplifted. At the same time witness heard a shot. Witness could not swear who fired the shot. The deceased stumbled out of the room and fell down in the passage. Foster was still insensible when they found him after the affray had happened. He was put to bed immediately, and has not yet quite recovered.

Cross-examined: Three persons came to him and asked him to make affidavits. I asked them if they were detectives, and they said they were not.

What answer did you give them?—One of them said they wanted to go to the British Consul, and I replied that I had already made one declaration, and that that was enough.

I understand that you state that Jones made a noise at the door of the deceased before the door was opened, and that the door was not broken into violently?—Yes.

Did you give a helping hand to Mrs. Edgar, to help the deceased?—I did not; I do not know what other people might have done.

Arthur Sylvester, Florrie's Building, said he remembered the day of the affray. He arrived at the Chambers at about twelve o'clock. He found Foster and Shepherd there having a conversation. Foster went outside a minute. Shepherd was standing in the door then. Foster was knocked down by the deceased. Shepherd went away to call the police. Shepherd pointed out the room into which the deceased had run. Witness accompanied the police to the room of the deceased. The deceased was standing in the room with a stick in his hand. They then made some noise at the door. Witness could not swear if the door was burst open or not. Witness suddenly heard the shot fired. Witness did not see the defendant stagger out of the door. He saw him retire out of the door. When the affray was over, Foster was still lying on the ground. Edgar was a tall, broad-shouldered man. Witness went inside of his room after he had seen Edgar lying on the ground.

Cross-examined: Witness saw Edgar with the stick in his hand, and his arm uplifted. There were about four persons present when the affray occurred, the policeman not included.

By Dr. Krause: As far as witness remembered there were present Shepherd, Foster, himself, and another person.

Detective's Investigation.

Detective Jacob John Waldeck said that as soon as he received intelligence that something had occurred, he went to the place, and arrived there at about 1.30 in the morning. Witness handed in a plan of the position of Edgar's room, etc. Mrs. Edgar was present when the stick was found by him. The stick was lying in a pool of blood. Witness also saw Foster in his bed; he was in a bad state.

A Constable's Evidence.

Police Constable Wynand Muller, No. 135, Foot Police, stated he knew the accused. He remembered the morning of December 19. He was on duty in Frederick Street, in company with another constable named Roux. He was about 200 yards away from the place where the occurrence took place. He heard somebody shout "Police," and witness rushed to the place from where the screams came. One of the men said, "Do you see that man on the floor; a man that ran into the room killed him." Witness and Roux examined the man on the ground, and thought he was dead. Jones and Roux followed witness. When Jones arrived, I had knocked at the door of the room into which Edgar ran. Jones made a noise with the handle of the door. Roux went to the open window and lifted the blind to look in. He saw the man inside with an iron bar in his hand. Witness saw the accused burst open the door, but he had nothing in his hand. The deceased suddenly gave the accused a blow. The second time the deceased gave the accused a blow, the accused fired his revolver. The accused was hit on the left side of his head. Witness could not see very plainly; it was rather dark. After the shot was fired witness asked Jones had he shot him, and Jones replied, yes. They then went for a doctor. Witness knew Edgar for about two months, but he could not say if Jones had known him.

Cross-examined: They first knocked at the door, tried it, and then Jones burst it

open. It was after the second blow was given that the defendant fired. Edgar was a broad-shouldered man. When the shot was fired witness only saw one man in private clothes present. Blood from the wound on the head of the accused could be seen on the uniform which he was wearing at the time.

Re-examined by Dr. Krause: It was quite possible there were more persons than witness had seen present when the revolver was fired.

Detective Waldeck was recalled by the prosecution. He stated he had examined the door of the room.

How was it broken open?—On the right hand side of the lock the top screw was loose. There was nothing broken on the door. It was the Police Constable (Muller) who reported the matter to the detectives. When witness arrived at the place he asked who had shot the man, and he was told it was Jones, and that he had gone to the Charge Office to report the occurrence. Jones was shortly afterwards arrested.

Another Constable's Evidence.

Police Constable A. Roux said that on the morning of December 19, he was in company of Police Constable Muller. They heard somebody shout for police, and they ran up at once. There was somebody lying on the floor, and after examination witness thought that the man was dead. They went up to the room into which Edgar had run, and he demanded that the door should be opened. Edgar shouted that he would not open the door. Witness looked through the window and saw Edgar inside. He had something in his hand which looked like an iron bar. Edgar's wife was sitting on the side of the bed. She was dressed in her night-clothes. Edgar was standing near her. Foster was lying on the ground all the time. Witness told Jones that Edgar had an iron bar in his hand. Jones knocked at the door and afterwards burst it open. Jones asked witness to stand behind him to give him more weight to force the door. Just when witness reached the spot where the accused stood the door flew open. Edgar rushed at the accused and gave him a blow on the head with the weapon he had in his hand. Just when the second blow fell a shot was fired. Witness first thought that the shot was fired by somebody in the room. Edgar staggered out of the door, and fell down in the passage.

Cross-examined: The uniform (produced in Court) belonged to the accused. It was marked with bloodstains. The wound on the accused's head was caused by the blow Edgar gave him. The shot was fired when Edgar struck for the second time.

Police Constable Franz Daniel Rooth, No. 113, stated he was on duty on the night in question in Anderson Street. About 1 o'clock in the morning he heard a shout of "Police!" Witness arrived at Florrie's Chambers before Jones, and he saw the man lying on the floor. They examined the man, and they thought he had ceased to breathe. A civilian examined the man on the floor with them. Jones went to the door and demanded that Edgar should open the door. Edgar refused, and Jones asked witness to help him to open the door. Witness did not see the first blow struck; but when the second blow was given by Edgar the shot was fired. Jones then went to report the matter at the Charge Office.

Cross-examined, witness identified the uniform in Court as the uniform worn by Jones on the night of the occurrence. Witness was certain that Jones knocked at the door before he burst it open.

The Court was then adjourned till a quarter past 2 this afternoon.

Afternoon Proceedings.

Evidence of Civilians.

The "Star" Affidavits.

The Court resumed punctually at the time appointed.

Edward Mortimer Edgar, of 14, Frederick Street, stated that on the 20th instant he went to the mortuary and recognised a body shown him there as that of his brother, Tom Jackson Edgar. A detective named White was present, and also a man named Humphries.

Dr. Krause said that was the only evidence to be called for the identification of the body.

Donald Hugh Bourke, a painter, of Frederick Street, was next called. He deposed that he remembered the morning of December 19. Between 12 and 2 in the morning, when witness had just gone to bed, he heard someone shouting "Police!" He ran out to see what was the matter. He saw some police running in the direction of Florrie's Buildings. Witness went over and heard somebody say, "Take this man in charge," and that he had knocked another man down. The police then went up to somebody.

Dr. Krause: What person would have to be taken in charge?—I only heard somebody say, "Take him in charge." He did not say anybody in particular.

Did you see anyone standing at the door, or did you see the door closed?—I only saw the door closed. The same man who called out for the police was saying, "He is inside." I cannot say who the man was who spoke, because it was dark. He said, "Break the door in; take him in charge."

What did the police do?—I don't know what the police did, but I heard a door being broken in.

After the door was broken, what then?—In a few seconds after I heard the door being broken I heard a shot fired.

Could you see who fired the shot?—No.

Did you hear anything further?—I saw the deceased stagger out of the doorway and fall on the floor in the passage.

What did you do next?—I stayed there about two or three minutes. Later on I came back again.

Witness (continuing) said he did not see the other person who had been assaulted. He believed there were five or six civilians and three or four policemen at the place when he arrived.

Dr. Krause: Is this your affidavit which was published in the "Star": "I am a painter by trade, resident in Johannesburg?"—Yes; I think it is.

Where did you make that affidavit, Mr. Bourke?—In the office of the South African League.

Who asked you to make the affidavit?—I think it was the brother of the deceased.

Were there any other persons present?—There was another person.

Before whom did you take the oath?—It was signed before the British Consul.

Did you give it to the "Star" to publish?—No; I left it in the hands of the British Consul?

In that affidavit, Mr. Bourke, you state: "It was the same man who called the police who spoke; he pointed to some man who ran into a room in Florrie's Buildings." Is that correct?—I cannot swear to it; the door was shut.

The affidavit was taken in English?—Yes.

It was read to you before you signed it?—Yes.

Dr. Krause: If you made a mistake in your affidavit you have a chance of rectifying it now.

Witness: Everything is right except what you have read.

Did you see the deceased when the shot was fired?—No.

Dr. Krause (reading the affidavit): "I saw no weapon of any kind in the man's hand." Is that correct?—Yes; that was after he was dead. I saw nothing at all in his hand.

Murtough Alexander Mackenzie said that he lived opposite the Florrie Buildings, at the corner of Frederick and Sauer Streets. He first heard a row going on outside. Witness was in bed then, but he at once got up and went on the verandah. He saw a man go into the passage of Florrie's Building, and heard the word "Voetzak" used. A few minutes after that a short man came out and shouted "Police!" five or six times. Soon after he saw two police constables go into the buildings. A third police constable soon followed. Witness heard one of the policemen say, "I cannot take the man in charge without a warrant." When the shot was fired witness was standing on his verandah. Witness did not actually hear the shot fired, the battery of one of the mines made too much noise. Witness next heard a woman scream. Witness dressed and went across the road. He there saw a man lying in the passage. There was blood on his face. Afterwards witness heard that the man had been shot. He also heard somebody say that the deceased had a little stick in his hand. There was a screw at the end of the stick. Witness swore as to the correctness of his affidavit. There were about nine people present when witness arrived on the spot.

Cross-examined: Has anybody asked you to make an affidavit?—At first I re-

fused. His friends came to me about it and I said I did not feel inclined to make an affidavit, but that I was prepared to give my evidence in Court.

Did the persons who were there help Mrs. Edgar in any way?—I could not say; I believe she was taken away by her brother.

The Widow's Evidence.

The widow of the deceased was the next witness called. She said her name was Bessie J. Edgar, and she resided at 5, Florrie's Buildings. The deceased was her husband.

Dr. Krause: Will you tell the Court what happened on that night?

Witness: My husband came home between 12 and 1 o'clock. There was much noise outside. I heard my husband and the people talking.

According to the voices, how many people were outside?—I do not know; I was in bed. I do not know about anything that happened before the door was broken open. My husband, when he came in, fastened the front door.

Did the noise continue outside?—Immediately after my husband came in I heard other people shout for police. My husband sat on the side of the bed, and I asked him what had happened outside. He said that somebody had insulted him when he was coming through the passage. I also heard people outside the door say, "Break open the door and drag him out; if you cannot break the door, break the window."

Who was it that spoke?—According to the voice it must have been Shepherd. I could notice that he was very much excited.

Did your husband say anything to you further?—No; he never said anything more.

Did anyone come to the window?—Yes; somebody tried to open the window.

Was not the window a little way open already?—Yes; it was slightly open, but there was a nail in the window, and they could not open it further.

Did anybody shove aside the blind?—Yes.

By Mr. Van den Berg: Could you see who pushed away the blind?—No; I was too frightened to see.

By Dr. Krause: Did you hear anything more of what people said outside?—The only thing I heard was: "Drag him out!" which was said in English. It must have been Shepherd who said it.

Did you hear anybody speak in Dutch, which you could not understand?—No; I did not. But I could not hear if anybody was speaking in Dutch, there was too much noise outside.

What did your husband do when they came to your door?—My husband was sitting still until he heard the door being broken open. When the door flew open we both ran to the door. When we came to the door, before we could say anything my husband was shot.

Had your husband anything in his hand?—I did not notice if my husband had anything in his hand.

Did you see him strike a policeman with anything he had in his hand?—I do not know if my husband had anything in his hand or not, but I am quite certain that he never struck any policeman.

Were you present when Detective Waldeck came and examined the room?—Yes.

Did you see an iron bar with a screw at the top of it?—I did not see it until after my husband had been lifted up from where he fell.

Do you recognise the iron bar?—No. I never saw it before. I cannot say how it came to be near the deceased.

What did you do after your husband was shot?—As soon as it happened I went to my bedroom to get some clothes.

The witness was then cross-examined by Mr. Alexander.

You made a certain affidavit?—Yes.

Before whom did you make that affidavit? I don't know.

Was it the British Consul?—I was under the impression that it was the British Consul.

In the Standard Bank Buildings?—Yes.

When you handed that affidavit to Mr. Evans did you keep a copy?—No.

Did you give Mr. Evans any authority to have the affidavit published in the newspapers?—No, I never gave any authority.

Did you leave it in the hands of the British Consul?—Yes.

Mr. Alexander here gave notice to the Court that he would later on repeat his request with respect to the alleged contempt of Court by the "Star."

Cross-examination resumed: Did anybody ask you about the publication of these affidavits?—No; I never gave any authority.

At what time did your husband go out?—About half-past seven.

Did your husband go out to have dinner with a friend that evening?—No, he had dinner at home.

Do you know where your husband went on that evening?—No.

Had your husband anything to drink between the time he came home and the time the accident happened?—No.

Did you notice if he had any liquor before he came home?—No; I did not notice anything particular about it; it is quite possible he had something to drink.

You say in your affidavit, "not one of them would do anything for me." Is that true?—Yes.

Re-examined by Dr. Krause: It was quite dark when the affair happened. There was very little light coming from the room. She did not remember that one of the policemen took her away from her husband's body. She was prostrated at the moment.

A Barber's Testimony.

Isidore Kastorowitz stated that at present he lived at No. 10, Commissioner Street. He was a hairdresser and barber by trade. On the morning of the affray he was awakened by the shouting for police. He later on heard people come up the passage. He heard somebody say, "Arrest that man, that big man." He also heard, "Break open the door or the window, and arrest him," and also "He knocked that man out." When witness heard all this he was still in his room. He got up at once, however, and went outside. There he saw four police constables and several other people. He saw one policeman with his knees against the door trying to break open the door. Witness also saw a man trying to get in through the window. He later on saw the open door. He saw a flash and heard a report. He knew it was a weapon. Witness rushed into his own place. He thought he would stay there when bullets were flying around. Witness came out again later on, because he heard a woman scream that her husband was shot. He did not know the accused.

Cross-examined: He came outside when he heard the police at the door.

Did you make a declaration before the British Consul which was published in the "Star" of the 22nd?—No. Two gentlemen came to me in my shop in Commissioner Street, with the dead man's brother. I do not know their names.

What did they say?—They told me they were from the British Consul. They asked me to give a statement of what I knew about the matter and I said certainly. I had made a statement before that to the Detective Department. They asked me to come around to the British Consul's office, but I could not leave my shop. I said I would swear to what I had stated.

You didn't swear to it?—No; but I would swear to it.

In your declaration you say, "When I came outside I saw a policeman at the door of Edgar's house with his knee pressing the door, which I should say he was trying to force open"; if it was possible for you to see him trying to break open the door it must have been quite possible for you to see what he had in his hand?—No; I could not because he had a mackintosh on.

In reply to further questions, witness said he would swear positively that he did not see anything in Edgar's hand. He believed he would have seen anything that he had in his hand. Mr. and Mrs. Edgar had dinner with him that evening, and when Edgar left he was perfectly sober. That was about 7.30 or 8 o'clock.

Mr. Alexander: Mrs. Edgar says that is not the case.

Dr. Krause: Mrs. Edgar says that before her husband went out they had dinner together, but she did not say with whom she had dinner.

Witness, continuing, said he held a conversation with Detective Waldeck, but he did not remember what was said.

Mr. Alexander: Did you tell Waldeck that you knew nothing about what happened until the shot was fired?

Witness: Will you put your question in English, because the translation puzzles me a bit?

Mr. Alexander: The interpreter is translating very well.

The question was repeated and the witness replied that he did not remember.

Mr. Alexander: Did you not see a man lying on the ground who had been knocked down?—Now I come to think of it, I did just see a form.

That form—was it the form of Edgar?—No, it was another form. I was not looking exactly at the form. I was only looking towards where the policemen were standing.

Were you friends with Edgar?—Yes; we were very good friends.

Re-examined by Dr. Krause: Do you know the names of the people who came to you about the affidavits?—No, I only know Mr. Edgar's name. I asked for whom I had to do it, and they said it was for the British Consul.

Did you give anybody any authority to have the affidavits published in the "Star"?—No; I never gave authority.

By Mr. Alexander: Were you present when Detective Waldeck found that stick in the house of the deceased?—Detective Waldeck, I believe, brought that stick out covered with blood. I was not present.

Did you give a piece of paper to Waldeck to make a parcel of that stick?—No; I never gave a piece of paper to Detective Waldeck to make a parcel of it. If I did I don't remember it.

A Painter Examined.

Joseph Friedman, a painter, living at the corner of Sauer Street and Anderson Street, was the next witness. Examined by Dr. Krause, he stated that he knew the accused—at least he had seen him on the spot where the affair now being inquired into took place. On that night the witness went to the theatre and came home a little after midnight. He heard somebody screaming "Police," and went out to have a look. He saw three policemen. He went into the yard of Florrie's Buildings and saw somebody pointing out to the police a man lying on the ground. Somebody said, "The man who went inside has knocked this man out." Later on a fourth policeman came up. The man who was knocked down by Edgar was lying at a distance of about three yards from Edgar's room. When they looked through the window they saw Edgar standing in the room with some kind of a stick in his hand. As soon as the door was burst open, witness heard the shot fired. Witness saw everything that happened. He was standing in the doorway, at the side from where the door opened. Edgar was inside, also near the door. Witness could see everything that happened between Edgar and the accused. There was nobody between the witness and Jones. Witness could not see if Edgar struck the accused. It was impossible for Edgar to have struck the accused; there was no time for it. Witness saw the accused draw his revolver. The shot followed immediately after.

Cross-examined: Witness only made one affidavit. He could not say who had asked him to make the affidavit.

Mr. Alexander asked the witness where he had made the affidavit, and the witness replied that he could not say where it was made.

Witness said he never had given any authority to have this affidavit published. The affidavit was correct.

By Dr. Krause: People did not tell him for whom he made the affidavit. He did not know if the affidavit was made before the British Consul. He could not describe the man before whom he made the affidavit. He did not know if he had a beard. He swore the affidavit in an office near the Standard Bank.

Contempt of Court.

Dr. Krause: It is the British Vice-Consul after all. (Addressing the Landdrost), I want to point out all these things to you. It might be a case of contempt of Court, and I do not know whether the British Vice-Consul will not be mixed up in the charge.

Sergeant Erasmus Smith was then called. In answer to Dr. Krause, he said that the piece of paper in which the iron bar was wrapped was obtained from the witness, Karterowitz.

Cross-examined by Mr. Alexander: How long has the accused been in the police force?—A long time—over two years.

Have there been any complaints against him?—No; he is a very quiet man, and never did anything wrong.

Witness then identified the revolver produced as that belonging to the accused.

This concluded the case for the prosecution.

Mr. Alexander said he would recall Edgar, the deceased's brother, because he had been mentioned in the evidence of the prosecution rather often.

Edgar, recalled, said it was he who went round to the different witnesses to have affidavits made.

Who went with you?—I was alone.

To everyone that you went to get affidavits from, you went alone?—Yes, to everyone. Well, I am not sure of everyone, but to most of them.

For whom, and at whose request did you obtain the affidavits which were published in the "Star"?—The South African League.

They were handed to the British Consul?—Yes.

Have you spoken with any member of the South African League? Do you know their names?—I know Mr. Dodd, the Secretary.

Have you read the affidavits which were published in the "Star" on the 22nd instant?—Yes.

Those are the affidavits which were handed to the British Consul?—Yes.

South African League's Action.

Examined by Dr. Krause: Are the affidavits which you obtained, and which appeared in the "Star" the same as those which were given to the British Consul?—Yes.

I understand they were all sworn before the British Consul?—I don't know; everything was left in the hands of the British Consul.

How did the affidavits come into the possession of the "Star"; did you give them to the "Star"?—No.

Were the affidavits handed over to the British Consul?—No; some other gentleman took them away.

Who is the other gentleman?—He is from the League.

What is his name; you know the names of all the League men?—I know only the name of one, and that is Mr. Dodd.

So I understand you walk around with these people without asking their names?—I have not asked their names.

Did you know at the time that the detectives had been investigating the matter, and that they also had taken affidavits?—Yes.

The same persons who made affidavits for you, also gave affidavits to the detectives?—Yes.

You also tried to get information from other people who refused to give it, because they had already made statements to detectives?—Yes.

All you have done was at the instigation of the South African League?—Yes.

Have you never thought it necessary to come to the Public Prosecutor?—I came one day, but you were not in.

Did Mr. Waldeck tell you that everything that was necessary would be done in the case and that the man would be at once arrested?—I asked him when I went to the Charge Office if the man was arrested and he said yes.

Did he tell you the Detective Department would do everything in their power to investigate the matter?—Yes.

And only afterwards the League came to you?—Yes.

This concluded the evidence.

The Alleged Contempt.

Mr. Alexander informed the Court that he would not call any more witnesses. With regard to the rule "nisi" for which he applied a few days ago, he would repeat the application before the Judge in the High Court.

The accused had no statement to make. He reserved his defence.

The papers in the case were ordered to be forwarded to the State Attorney.

Application for Bail.

Mr. Alexander applied that bail should be granted the prisoner.

The Landdrost: What do you think of it, Dr. Krause?

Dr. Krause: The application for bail is in the hands of the High Court, but I have received instructions from Pretoria to oppose any bail whatever. I think the State Attorney will fix the bail himself, after reading the evidence given to-day. I do not want to do anything in this case now.

The accused was remanded in custody.

No. 43.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received January 27, 1899.)

[*Answered by No.* 45.]

(Extract.)

Government House, Cape Town, January 11, 1899.

WITH reference to my despatch of the 4th instant,* respecting the occurrences at Johannesburg arising out of the Edgar case, I have the honour to transmit to you a copy of further correspondence.

Enclosure 1 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

5th January, 1899. I yesterday instructed British Vice-Consul at Johannesburg to inform signatories of petition to the Queen of December 24th, of which only a rough text was handed to the Vice-Consul, and of which the original was, as I understand from Vice-Consul, being prepared for transmission to the Agency, that for several good reasons, and especially because this Government had already before that date, as was known to those presenting petition, taken steps to remedy the regrettable circumstances which gave immediate rise to the representations made to Vice-Consul, as also because the text of petition had been published in the South African Press, and even before it reached the Vice-Consulate, I should not be in a position to take part in its transmission.—FRASER.

Enclosure 2 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

6th January, 1899. Secretary of South African League in Johannesburg, Dodd, who read petition of December 24th from Vice-Consul's balcony in presence of crowd in the street, and Webb, who called upon crowd from his carriage to proceed to Vice-Consulate from Market Square, have been charged with contravening section five of Public Meetings Law VI. of 1894, on account of above actions, and are out on bail. Penalty would be fine under section 11. As I have already informed Your Excellency in my despatch No. 282, I had caused the Edgar Committee to be warned beforehand by Vice-Consul against anything in the nature of a public meeting, and although they received this advice and acted upon it so far that no regular speeches were made, yet this Government holds that the invitation to repair to Vice-Consulate and the reading of petition before the public outside Consulate constitute contraventions of above law. Quite apart from the law, I am myself of opinion that both above actions were unwise and unnecessary for the purpose of making representations to the Vice-Consulate, or even of presenting a petition, although I myself heard nothing about any petition until the day following the presentation. This Government were informed by me of terms of my telegram of December 24th to the Vice-Consul for the Edgar Committee's information, as Government had asked me that morning to do what I could by telegram to prevent proposed public meeting, and Government expressed to me their satisfaction at these instructions sent to Vice-Consul. This was the only action which I found it possible at such short notice to take, or did take at all in the whole affair of

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* No. 42.

that demonstration and petition, until my further instructions to Vice-Consul declining to receive petition, as reported in my telegram of yesterday. I am aware that Cape newspapers reported that I was present during demonstration at Johannesburg on December 24th, but this is absolutely invented, as I was obliged to remain at work in Pretoria all that day, and it is well understood here that I took no part in the whole affair, either before or after the demonstration, excepting my instruction as above.—FRASER.

Enclosure 3 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Pretoria, December 31, 1898.

WITH reference to Your Excellency's telegram of yesterday, I have the honour to forward a despatch from the British Vice-Consul at Johannesburg, in which Mr. Evans gives a similar explanation of the attempt to fasten the responsibility of the publication of certain affidavits (in the Edgar case) in the "Star" newspaper upon him to that which I gave Your Excellency in my despatch of yesterday.

I have, &c.,
EDMUND FRASER.

His Excellency
Lieutenant-General Sir W. F. Butler, K.C.B.,
&c., &c., &c.

SIR, British Vice-Consulate, Johannesburg, December 31, 1898.

WITH reference to the telegram (a copy of which you have sent me) from His Excellency the Acting High Commissioner to you, I have the honour to report as follows:—

I assume that His Excellency wishes to have a report in connection with the affidavits referred to by the Public Prosecutor in the preliminary examination in the Edgar case held on the 29th instant.

As regards my connection with the affidavits, I have merely to say that they were brought to me in the ordinary way by certain members of the South African League, accompanied by the persons who were to swear to them. Those persons duly swore to the correctness of their statements before me. In addition to the original affidavits, there were four copies in each case. Two copies were left with me to be transmitted to you, and the other copies were taken away by the persons who had brought them.

With regard to the publication of the affidavits in the "Star," I beg to say that the documents were handed to the newspaper in question by the Secretary of the League. This was done without my knowledge or consent, and I am in no way responsible for their publication. The statement alleged to have been made by the Public Prosecutor as appears from the "Star" report of the proceedings, viz.:—

> "It might be a case of contempt of court, and I do not know whether the British Vice-Consul will not be mixed up in the charge,"

is absolutely unjustifiable, and, if it were necessary, I could produce abundant and conclusive evidence that I was in no way a party to the publication of the affidavits.

I have, &c.,
J. EMRYS EVANS,
Vice-Consul.

His Honour
The Acting British Agent,
Pretoria.

Enclosure 4 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, December 31, 1898.

WITH reference to my despatch of yesterday, I have the honour to enclose a statement which has been made by the Secretary of the South African League

in Johannesburg, showing the connection which the League had with the recent publication of affidavits in the Edgar case and the Cape coloured people's grievances in the newspapers.

I have, &c.,
EDMUND FRASER.

His Excellency
Lieutenant-General Sir W. F. Butler, K.C.B.,
&c., &c., &c.

SOUTH AFRICAN LEAGUE.

AIMS AND OBJECTS.

ITS RECENT ATTITUDE.

A certain amount of prominence, both in the Law Courts and the newspapers, having been given to the attitude adopted by the South African League with reference to the Edgar case, and the inquiry into the Fieldcornet's dealings with the Cape boys, we have taken the trouble to obtain an official statement from the Secretary of the League, Mr. T. R. Dodd, on these burning topics. But let the League speak for itself. The majority of the members of the League are professional men in town, miners, workmen generally, storekeepers, and so on. I know of no man who is the nominee of the capitalists, as the word 'capitalist' is understood in Johannesburg. It is a very vague term, and not easy to define. The South African League is absolutely an independent organisation, controlled by its members; its work being carried on by an executive committee appointed by the members. The majority of its members are men who are in a comparatively poor financial position, and who are active members of the League, because of their political principles. The financiers of the town, and the members of the old Reform Committee, have kept entirely aloof from the League since its inception."

Perhaps you will tell us what has been the connection of the League with regard to the Edgar case?

"With regard to the Edgar case, the action taken by the South African League in the obtaining of affidavits is public property. There was no need for the Court officials and others to take so much trouble to explain what the League had done; for this is work that the League has always done, though it may not have had such prominence as in the Edgar case. What we did in the Edgar case was briefly this:—We informed the friends of the late Mr. Edgar that while we did not want to thrust ourselves into their business in any way we were prepared to render them as much assistance as lay within our power. They said they would be very glad of any assistance we could render. We then took statements from as many of the witnesses of the tragedy as we could get. These were supplied by us to "The Star," and published by them at our instigation, and copies of them handed to the Edgar Relief Committee, who, I believe, handed them over to Dr. Krause. The League finding that public interest had been aroused in the Edgar case decided to stand on one side, and allow a public, representative, and non-political committee to take charge of the Edgar Relief Fund."

"Now, will you tell us what steps the League took with regard to the Cape Boy Inquiry, because the League was mentioned in the proceedings which were held before the commission as having been the prime instigator of the complaints?"

"Ever since the persecution of the Cape boys in Johannesburg commenced, the South African League has made representations with regard to the various cases that have come before the Court. Negotiations, we believe, have taken place between the British Agent in Pretoria and the Transvaal Government, and some time ago we were given to understand that an agreement had been arrived at whereby the Cape boys would be required to take out passes, but would not be required to wear the obnoxious and degrading badge. We had no complaint to make against this arrangement. It seemed a proper thing that some restrictions should be placed upon these people, and this principle of restriction seemed reasonable enough. Instead of this agreement, however, at the caprice of the local officials, the Cape boys were periodically harried, notably immediately after their refusal to be commandeered as British subjects. I don't know

whether it would be contempt of Court to refer to the case which has recently been investigated in connection with the inquiry into the conduct of Mr. Lombard; but at any rate it is not worth while. The reports of the case which appeared in "The Star" speak for themselves, and give us ample justification for any action the League may have taken. The League did not cook affidavits. The League took down the statements of these people in their own words, and Leaguesmen were concerned. Africanders and home-born men alike were naturally furious when they heard that such treatment had been meted out to human beings. The reason why Cape boys have been treated worse than raw kaffirs is undoubtedly owing to their well-known and freely-expressed loyalty to Her Majesty."

"The attitude of the League in these matters has been carefully considered, and the executive Committee quite understand and are willing to undertake all responsibility attached to them."

Enclosure 5 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 4, 1899.

WITH reference to my despatch of the 28th ultimo, I have the honour to enclose to Your Excellency a copy of the despatch which I have to-day addressed to the British Vice-Consul at Johannesburg, instructing him to inform the signatories to the petition to the Queen, which was handed to him at the Vice-Consulate on the 24th ultimo, that, for several good reasons, I should not be in a position to take part in its transmission. I may add that, owing to Christmas holidays, the actual text of the petition has not yet reached the Agency, as the copy presented to the Vice-Consul at Johannesburg was in a rough state, and had, in any case, to be drawn up in better shape.

Although I admit that it would be difficult to prevent publicity being given, if only through an indiscretion, to the terms of a petition which had to be taken round to about forty people for signature, and which was intended to represent the views of some five thousand persons, yet, if such a petition contains statements which are exaggerated, and is oblivious of redress already granted by the Transvaal Government, towards whom I am at present acting as Her Majesty's Agent, it would not be possible or even desirable for me, after its full publication in the public press, to take part officially in its transmission to Your Excellency. Such a proceeding on my part would obviously render it very difficult for me to ask for and obtain any redress of similar grievances in future. In short, the petitioners may be entitled to their opinions therein expressed, but they could not expect me, after the steps which the Transvaal Government had that very week offered me to take for redress, to associate myself in any way with the transmission of a document which had already attained much publicity. Moreover, even admitting that it was difficult to prevent a certain publicity here, I see no excuse for the text of the petition having appeared, as I myself noticed only two days ago, in the "Cape Times" of the morning before its presentation to the Vice-Consul. Those who promoted this petition were doubtless actuated by good motives, and a desire to see certain reforms carried out which immediately affect their own well-being, as inhabitants of Johannesburg, and I only ascribe their action in giving publicity to such a document to an error of judgment, grave enough, however, to preclude me from helping them in the matter of the petition itself. Had the Vice-Consul been informed of the terms of the petition, or of its prior or intended publication, he would doubtless have consulted me before accepting it for transmission; but I understand that he had no such previous knowledge, and thought he was only doing his duty in agreeing to send it on to me at the moment of its presentation to him. I have, however, advised him, for the future, not to let British subjects making representations to him at Johannesburg do so before the public upon the balcony of the Vice-Consulate, but, by means of delegates if necessary, inside his office, in order that no undue publicity may be given to what passes between him and those who may wish to address him, or who may have any written document to offer him for transmission.

I have, &c.,
EDMUND FRASER.

His Excellency
Lieutenant-General Sir W. F. Butler, K.C.B.,
Acting High Commissioner.

HER MAJESTY'S ACTING AGENT, Pretoria, to the BRITISH VICE-CONSUL, Johannesburg.

SIR, Her Majesty's Agency, Pretoria, January 4, 1899.

I HAVE the honour to request that you will inform the signatories of the petition to the Queen, of which a rough text was handed to you on the 24th ultimo, and the original is, you say, now being prepared for transmission to me, that for several good reasons, and especially because this Government had already—as I had previously informed you, and you had made known to those interested—taken steps to remedy the regrettable circumstances which gave immediate rise to the representations made to you, and also because the text of the petition was published in the South African Press, and even before it was handed to yourself on the 24th instant, I should not be in a position to take part in its transmission.

You may communicate a copy of this despatch to the spokesman of those who addressed you.

I have, &c.,
EDMUND FRASER,
Her Majesty's Acting Agent in the S.A.R.

J. Emrys Evans, Esq.,
&c., &c., &c.,
British Vice-Consul at Johannesburg.

Enclosure 6 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 7, 1899.

WITH reference to my despatch of the 4th instant, I have the honour to inform Your Excellency that a deputation from the Johannesburg branch of the South African League called to see me yesterday, and to explain their attitude with regard to the petition to the Queen, which I had been unable to forward. They expressed their regret for the premature publication of the Petition, and, in the course of a long interview, asked what I thought the best method of conveying written representations from any large number of British subjects in Johannesburg to Her Majesty's Government. They admitted that it was hardly possible for British representatives here to accept already published petitions or other representations for transmission if such should contain statements to which the Transvaal Government might take exception, either as regards the terms used, or with reference to facts. I told them that, such being the case, it only remained for them, in my opinion, to follow the course adopted by any private individual in laying his case before his representative here, namely, to allow his written complaint or request for redress to remain unknown to the general public before and after its being addressed to this Agency. It might be difficult to follow such a course, but I said that I saw no other means of making such representations here unless such a method could be arranged. They further asked whether each and every British subject had not a right to go, either singly or together, to the British Vice-Consulate in Johannesburg, to make such representations as they thought necessary. I replied that they undoubtedly had this right, but that such representations might be easily carried out without undue publicity, and without any statements being made, or leaflets distributed, in the streets, in a public manner. They stated their opinion that the Public Meetings Law of this Republic (No. 6 of 1894) was an infringement of the London Convention, at any rate, in its application, for, while aliens were denied the right to make even an appeal to their fellow-countrymen to repair to the Vice-Consulate to present a petition, or to read that petition in the hearing of those whose approval was asked, the burghers on the other hand were allowed full liberty of meeting, for political or other purposes, and no instance had occurred when they had been interfered with, notwithstanding the drastic terms of the law.

They expressed themselves naturally as much incensed at the arrest of their two fellow-leaguers on the 5th instant, for having committed such a trivial offence as that just alluded to, even in the eyes of the law as it stood, and thought that these arrests had been occasioned by my action in disavowing the petition; but the two incidents, although they occurred almost simultaneously, have no connection, for the State Attorney informs me that orders had been issued for the two arrests three days previously, and were only not carried out at once on account of the difficulty of obtaining sufficient evidence on affidavit before the 5th; and I have so informed them.

The deputation left me, stating that, although it was difficult for them to decide on any course of action that would meet all the obstacles in their way, yet they hoped to find some practical means of bringing their grievances and desires to the direct notice of Her Majesty's Government.

I have, &c.,
EDMUND FRASER.

His Excellency
The High Commissioner.

Enclosure 7 in No. 43.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 7, 1899.

WITH reference to my telegram of yesterday, giving details of the arrest of Messrs. Webb and Dodd, of the Johannesburg Branch of the South African League, in connection with the demonstration of British subjects on the 24th ultimo, I have the honour to inform Your Excellency that I have reason to believe that the charge against them will not be pressed very far, and that in any case it is unlikely to go farther than the Landdrost's Court, who has by law (No. 6 of 1885) only a right to inflict fines in such cases up to £25, even if the accused are fined at all. Bail was allowed at £500 for each, although £1,000 had at first been fixed, and the cases will come on perhaps next week at Johannesburg.

I enclose extracts from the Public Meetings Law of 1894, under which they are charged, and it is evident that their action on December 24th could hardly be construed into a grave infringement of the provisions; in fact, unless the fact that the crowd of people proceeded from Market Square to the Vice-Consulate behind Mr. Webb's carriage can be regarded as having been "a procession," it is difficult to see how the prosecution can make out its case.

I have, &c.,
EDMUND FRASER.

His Excellency
The High Commissioner.

PUBLIC MEETINGS ACT.

LAW 6 OF 1894.

The following are the provisions of Law 6 of 1894, under which Messrs. Webb and Dodd are charged. The law was approved and promulgated by besluit of the First Volksraad, dated 17th July, 1894.

In Art. 1 the right of citizens to assemble in public meeting is recognised, but Art. 2 provides that the exercise of that right can be limited in the interest of public order. Art. 3 maintains that every meeting or assembly which is in conflict with public order is prohibited.

Art. 5, under which the accused are immediately charged, provides: Public gatherings and meetings of persons with a view to social discussion (gemeenschappelijke beraadslaging) are not permitted in the open air, nor the holding of addresses of any nature, nor processions of any nature or for whatever purpose, unless with the consent of the Government or local authorities appointed by the Government, and unless held in accordance with any legal stipulation. Article 11 (the penalty for a breach of the Act) provides: Contravention of Art. 5 (and 9) shall be punishable with a maximum fine of £50, or in default six months' imprisonment with or without hard labour.

Organisers or leaders of meetings or gatherings prohibited under Clause 5 shall be punished with a maximum fine of £500, or in default with two years' imprisonment with or without hard labour.

Enclosure 8 in No. 43.

The HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S ACTING AGENT, Pretoria.

SIR, January 11, 1899.

I HAVE the honour to acknowledge the receipt of your despatch, No. 1, of the 4th instant, reporting that you had declined to take part in the transmission to Her

Majesty of the petition handed to the Vice-Consul at Johannesburg on the 24th ultimo.

Without entering into the question of the reasons governing your action, as explained in the despatch, I desire to express my approval of that action.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

His Honour
Her Majesty's Acting Agent,
Pretoria.

No. 44.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 4, 1899.)

(Extract.)

Government House, Cape Town, January 18, 1899.

IN continuation of my despatch of the 11th instant,* I have the honour to transmit to you a copy of the further correspondence noted in the margin, respecting the occurrences at Johannesburg arising out of the Edgar case.

From H.M. Acting Agent, Pretoria, Telegram. 13/1/99.
From H.M. Acting Agent, Pretoria, No. 6. 10/1/99. (Rec. 14/1/99.)
From H. M. Acting Agent, Telegram. 16/1/99.

Enclosure 1 in No. 44.

From HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

13th January, 1899. State Secretary yesterday received deputation from Johannesburg branch of South African League, who asked whether Government had any objection to their holding a public meeting indoors at Johannesburg to-morrow. Government had no objection, provided proceedings were orderly. Deputation also called upon me, and as regards any proposal that might be made at meeting to draft a fresh petition, I informed them that I had myself nothing to add to my letter to them of January 10th in answer to their enquiries, copies of which I send in my despatch of 10th January,† and in which letter I stated that I am unable to transmit documents for them bearing upon political affairs if their contents have been, or are to be, published for general information. I have informed Vice-Consul.—FRASER.

Enclosure 2 in No. 44.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 10, 1899.

WITH reference to my despatch of the 7th instant, I have the honour to enclose copies of two letters, dated on the 7th instant and to-day, which I have exchanged with the Transvaal branch of the South African League in Johannesburg, relative to their action in regard to the petition to the Queen, of December 24th, and to their proposed future action in the matter of such memorials.

I have, &c.,
EDMUND FRASER.

His Excellency
The Acting High Commissioner,
Cape Town.

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* No. 43. † Enclosure 2.

South African League (Transvaal Province), Johannesburg,
SIR, January 7, 1899.

ON behalf of the 4,000 British subjects who, on the 24th of December last, presented to the Vice-Consul here a petition to Her Majesty Queen Victoria, I have the honour to reply to your communication of the 4th instant.*

It is my duty to express the deep regret of the petitioners that you have found yourself unable to transmit their petition to Her Majesty, owing to certain informalities inadvertently committed. I would, at the same time, respectfully point out that the assent of several thousand people cannot be obtained to a petition without publicity being given thereto. We cannot accept responsibility for the irregular conduct of any newspaper correspondent.

The steps to which you refer as having already been taken by the Transvaal Government in the Edgar shooting case do not, in our opinion, justify the rejection of the entire memorial, the grievances therein recounted being of a chronic character, in no way mitigated by the action of the Transvaal Government in this case.

The Edgar incident was referred to in the petition as symptomatic of the intolerable state of affairs existing here, which formed the chief ground of our request for Her Majesty's intervention.

In the event of a number of British subjects resident here desiring at any future time to present a common petition to Her Majesty, I should esteem it a great favour if you would inform me as to the proper course to pursue in order to avoid a repetition of any technical informalities.

If it is your intention to comment on recent events in your despatches, we should be obliged if you would also forward this, our explanation, at the same time.

I have, &c.,
W. WYBERGH,
President of the South African League.
(Transvaal Province.)

Edmund Fraser, Esq.,
Her Majesty's Acting Agent in the South African Republic,
Pretoria.

SIR, Her Majesty's Agency, Pretoria, January 10, 1899.

IN answer to your letter of the 7th instant, received yesterday, I have myself little to add to what I have already indicated when you called upon me last week along with others, namely, that, being placed in an official position here towards this Government, I am unable to transmit documents bearing upon political affairs, if their contents have been, or are to be, published for general information. It may be that these "technical informalities" are of little importance to those who desire to forward such documents, but they are, nevertheless, of the highest importance when viewed in the light of my duties here, which would be rendered impossible, as far as my relations with this Government are concerned, were I to associate myself officially with public criticism of their administration.

In accordance with your request, I shall, however, forward a copy of this correspondence to Her Majesty's Acting High Commissioner for South Africa.

I am, &c.,
EDMUND FRASER,
Her Majesty's Acting Agent in the South African Republic.

W. Wybergh, Esq.,
Post Office, Box 317,
Johannesburg.

Enclosure 3 in No. 44.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

16th January. Vice-Consul at Johannesburg has been asked by me to report by post proceedings at and after the League's meeting on Saturday, of which I have only Press account. The conduct of police in not interfering to arrest Boers

* Sub-enclosure to Enclosure 5 in No. 43.

destroying property in building seems to require explanation, as only two arrests are reported, and these are Englishmen, thus bearing out assertion of League that the police are one-sided in their action. Latter is general opinion expressed here to-day, and it is stated that the presence at the meeting of Boers was organised by officials.—FRASER.

No. 45.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Extract.)

Downing Street, February 10, 1899.

I HAVE the honour to acknowledge the receipt of Sir William Butler's despatches, of the 28th of December last, of the 4th of January, and of the 11th of January,* on the subject of the shooting of a British subject named Edgar at Johannesburg, and of a petition to the Queen arising out of it.

I am not called upon to comment upon the terms of the petition, which has not been forwarded to me officially, and the only matter which demands notice from me is the action taken by the British officials in regard to the petition.

In my opinion, Mr. Evans, no doubt from lack of official experience, acted unwisely in permitting representations to be made to him in public upon the balcony of the Vice-Consulate, instead of inside his office.

In the present case the Acting British Agent no doubt felt satisfied that there were reasons, apart from the previous publication of the petition, against his consenting to transmit it in the form in which it had been presented to the Vice-Consul at Johannesburg; but I am unable to concur in the view that the fact of it having been published in the press prior to presentation would by itself have been a sufficient reason for declining to accept it.

Subject to these observations, the proceedings of Mr. Fraser and Mr. Evans in connection with the Edgar case seem to me to have been perfectly correct.

No. 46.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received February 10, 1899.)

[*Answered by No.* 48.]

SIR, Government House, Pietermaritzburg, Natal, January 18, 1899.

WITH reference to my telegram of 18th instant,† I have the honour to transmit a copy of resolutions passed unanimously at a public meeting held in Pietermaritzburg on the 14th instant, on the subject of the treatment of British subjects in the South African Republic, together with a newspaper report‡ of the proceedings.

atal Witness, 5th January, 1899.

2. I have forwarded a copy of the resolutions to the High Commissioner.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 46.

Resolutions adopted at a Public Meeting held in the city of Pietermaritzburg on Saturday, 14th January, 1899.

1. That this meeting of burgesses of the city of Pietermaritzburg, convened by His Worship the Mayor, desires to express its strong sympathy with British subjects in the South African Republic in the grave difficulties and dangers under which they

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* No. 40, 42, and 43.

† No. 41.

‡ Not reprinted.

are suffering, as embodied in the petition forwarded to the British Agent from Johannesburg, and this meeting protests against the manner in which the rights and liberties of their fellow-subjects are being infringed by a Government which is under the suzerainty of the Queen.

2. That this meeting supports the demands by British subjects in the Transvaal for a recognition of their rights, the refusal of which is a menace to the peace of South Africa, and respectfully petitions Her Majesty's Government to intervene to remove this cause of South African unrest.

3. That this resolution be forwarded, through His Worship the Mayor, to His Excellency the Governor, with a respectful address that he may be pleased to transmit the resolution by cable to the Right Honourable the Secretary of State for the Colonies, and that a copy of the resolution be transmitted to the British Agent at Pretoria.

(A True Copy.)

W. FRANCIS,
Chairman.

No. 47.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 10, 1899.)

SIR, Government House, Cape Town, January 25, 1899.

WITH reference to my despatch of the 18th instant,* respecting the occurrences at Johannesburg arising out of the Edgar case, I have the honour to transmit, for your information, a copy of further correspondence that has taken place on the subject.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure 1 in No. 47.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 18, 1899.

IN view of the recent action of the Johannesburg Branch of the South African League, in promoting a petition to the Queen and in holding meetings in connection with Uitlander grievances in the Transvaal, it may not be without some use that I should give some account of the kind of man who composes the leading portion of the organisation in the Transvaal, since some press reports seem to exaggerate the League's importance, while others strive to show that it has no importance at all. The true view would appear to me to be between these two. It has been alleged that the leaders of the League here are not men of any position or importance in Johannesburg life. I have therefore carefully enquired into the present occupations and some of the antecedents of those leaders, with a view to arriving at a just estimate of the amount of weight which the League's opinion and desires should be taken to carry.

Generally speaking, the President and members of the Committee may be described as belonging to a highly educated professional class, and, as it happens, perhaps not unnaturally here, they are almost all professional mining engineers, some of them in the employment of the largest financial houses, and all of them in receipt of salaries of from £2,000 to £600 a year. The President himself last week was compelled to sever his connection with one of the most influential and richest corporations on account of what the latter stated to be its duty to its shareholders not to mix itself up in Transvaal politics; he is establishing himself now as a Consulting Engineer, as his professional merits are recognized even by those who condemn his political views, and recently by the Government organ itself. All the other leaders are, without doubt, in different degrees, most honourable members of the professions to which they belong.

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* No. 44.

Notwithstanding the meritorious position thus occupied by these leaders, it would be going too far to say that the majority of such professional men, or the more important merchants of Johannesburg, are in direct sympathy with the working of the League. But I have no reason to think that the latter are in any way their opponents. On the contrary, as is well known, a very large proportion of the well-to-do inhabitants of Johannesburg are in general opposed to anything which is likely to interfere actively with the normal course of trade and industry, caring more for present peace than for any prospective prosperity which the League may promise as a result of its agitation. And, again, it is not to be expected that the leading financiers and controllers of great mining companies should lend their aid to an organisation which declares itself so inimical to the present Transvaal Administration, on whose goodwill such financiers have to depend for the facilities they are able to obtain for their industry. Besides, such of them as took part in the Reform movement of 1895 are still bound by oath not to take any part in politics. Thus it is true in fact, as indicated in the enclosed articles* from a moderate newspaper, published outside of the local influence of Johannesburg, that the League cannot be taken as representing the whole of Johannesburg feeling; but, all the same, it must not be supposed that its organizers have not the power and mental capacity to be an important factor in shaping the action of the masses. They are not, as has been alleged, men in the political service of capitalists; indeed, they have no large funds at their disposal, the highest subscription received being one of £50, and that from England, as announced at a recent meeting. Nor are they poor men with nothing to lose, but rather, as they have openly announced, fathers of families of the professional class, who desire to see the progress here which would hereafter render the Transvaal a fit field for the occupation of their sons.

I have, &c.,
EDMUND FRASER.

His Excellency
The High Commissioner.

Enclosure 2 in No. 47.

HER MAJESTY'S ACTING AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, January 18, 1899.

No further action seems to have been taken as yet, either by this Government, or by the South African League, with regard to the meeting of the latter body in Johannesburg, to which I alluded in my telegram of the 16th instant; and I hear that the League, at any rate, do not intend to move at present in the matter of complaining of the disturbance of their meeting by burghers, since they maintain that the whole affair was arranged with the connivance of the Government itself.

The facts appear to be that the Amphitheatre was already partly filled by a crowd of rough burghers, with some police in plain clothes and a few local officials, before the meeting began, so that there were fewer British subjects present than Boers. The proceedings had no time to commence before a disturbance arose on the part of the Boers alone, who finally ended by demolishing every piece of furniture in the hall, and striking about freely with sticks and chair legs, until the hall was cleared of its audience. The police never interfered at all, although it was their duty, according to the Public Meetings Law, to be present and maintain order, the Government having granted express permission to hold the meeting in terms of that law. Only two arrests were effected, and that outside, in the persons of two Englishmen, who were not detained in custody, in consequence of the general conduct of the police on that day. The League state that they know who arranged the disturbance, but I understand that they do not at present propose to utilise their information, by making representations to this Government or otherwise; nor is it decided whethey they are to hold another meeting next week, or not. Whatever may be the truth of the apparently organised disturbance, it would appear that this Government, on its part, has gained an excuse for possibly refusing to allow another meeting to be held, on the ground of possible danger to the public peace; whereas the League considers that it has gained a great point by its scrupulous observance of law and order, and the fact that the only leaders of disturbance were Government officials or police. In any case, it appears certain that

* Not printed.

most of the burghers present were of the very poor class, for whom employment had been found in making the new Main Reef Road, and who would obviously not take the trouble to come into town for a disturbance unless invited, and perhaps even rewarded for their services.

No serious damage was done to individuals, and the destruction was principally confined to property, so that the effect has been rather moral than material.

I enclose an article on the incident written by one of those who were present.

I have, &c.,
EDMUND FRASER.

His Excellency
The High Commissioner.

When even the most rabid section of the anti-uitlander and subsidised press finds itself forced to deprecate in strong terms the action of the gang of burghers and Dutch Africanders who thrust their unwelcome presence upon the British subjects assembled at the Amphitheatre last Saturday afternoon, it may fairly be accepted as an undeniable fact that such action was as disgraceful as it was unprovoked. The Pretoria correspondent of the local official daily has informed his paper that at the Capital the entire occurrence is regarded by Boer and Briton alike as one of the most "unfortunate" since the Raid. But "unfortunate" does not correctly describe what really was a thoroughly organised and diabolical attempt to bring about a collision between an armed mob of some 600 or 700 Dutch Africanders and a peaceful assembly of unarmed British subjects. Such an action is not "unfortunate," it is cowardly and criminal, and it will once and for all dispel the remnants of that fictitious impression still extant in Europe concerning the peace-loving, plucky, and pastoral son of the Transvaal soil. It was only the coolness and common sense of the assembled Britishers that prevented worse rioting, bloodshed, and loss of life. The meeting, it will be remembered, was called with the threefold object of protesting against the arrest of two British subjects in connection with the presentation to the Vice-Consul of what is now generally known as the British Petition to the Queen; of protesting further against the Public Meetings Act; and lastly, of obtaining the sanction of the British community to another petition to the Queen praying for the protection of her subjects in the Transvaal. All these objects were perfectly legitimate, the conveners were within their legal rights in calling the meeting, and the Government had given an explicit assurance that it would not be interfered with. It has been stupidly suggested—after the event, it is needless to say—that police protection should have been applied for, but I entirely fail to understand that line of argument, since, firstly, there was no reason to anticipate an organised attempt to wreck the meeting; secondly, confidence in the ability and competence of the police force has been badly shaken of late; and thirdly, *it is ipso facto the duty of the police to maintain order* at meetings or any other public gathering. Law No. 6 of 1894 (the Public Meetings Act) says, under clause No. 6: "The local detectives and police shall have free access to all meetings and "assemblages held in buildings to which the public is admitted. Should access be "refused, the police shall have the right to force an entrance. . . . ." If any policemen were present inside the Amphitheatre they were in plain clothes, and actively assisted in the disgraceful scenes that occurred.

Police Protection.

It must be remembered that only British subjects were invited to attend this meeting, the objects of which most particularly concerned them. Doubtless no exception would have been taken to the presence of other uitlanders or even burghers had they expressed a desire to attend, but the invasion of the premises by a wilde horde of blackguardly anti-Britishers with the sole object of creating a disturbance, breaking up the meeting, and assaulting—if not worse—those who attended by right and not by favour was in itself an act of violence and an unprovoked breach of the peace which ought not to be allowed to go unpunished. Even the report of the "Standard and Diggers' News," a paper nobody will accuse of bias in favour of the uitlanders, shows beyond all doubt that the disturbance was premeditated and prearranged, as witness the following extracts from last Monday's issue:

"It was obvious long before the appointed hour that the meeting would not be attended solely by British subjects, *and that a lively contingent of countrymen proposed to take an interest* in the intended condemnation of the Government.

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"The Britishers lifted up stentorian shouts of joyful welcome and the *Afrikanders filled the air with hoots and 'boos,' and groanings that cannot be described.*"

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"A body of Africanders, *whipped up to the meeting from the Main Reef Road*, suddenly poured pell mell into Harrison Street, &c., &c."

* * * * * *

"A venerable burgher with a wooden leg" is reported to have expressed himself as utterly callous to any consequences. "*He had been asked to be present at the gathering*, and he was there to do his duty."

If the fact were not already so well known, the "Standard and Diggers' News" report would also show that the street rioting on Saturday night was instigated by the "opposition party." Thus we read:

"A party of young Africanders ostentatiously paraded Pritchard Street singing the Volkslied."

and

"It cannot be disputed *that the aggressiveness of the Transvaalers* did on this occasion secure a negative sort of score for the League."

The words which I have italicised have proved too definite and strong to be amenable to subsequent "toning down" or contradiction even in the columns of the local subsidised organ. There seems little doubt that the Africanders commenced the row at a given signal, and that they were impatient to set the ball rolling was evidenced by the fact that frequent whispered warnings, *noog niet, noog niet* (not yet, not yet) were uttered by the leaders. An old Boer made his way round to the box in which the Chairman and his supporters were assembled and signified his intention of speaking. "Are you a British subject?" he was asked. "No, I am a Transvaal burgher," he replied, whereupon he was informed that as this was a meeting of British subjects he would not be allowed to speak. It was at this very moment that the actual violence commenced.

Organised Obstruction.

In the meantime the first resolution had been read, though owing to the din it was impossible to put it to the meeting. It ran as follows:—"That this meeting of British subjects protests against the arrest of Messrs. Dodd and Webb, and is further of opinion that the Act under which the arrest was made is arbitrary, unconstitutional, and a violation of the spirit of the London Convention." These are sentiments with which I am convinced every rightly thinking Britisher will concur, they are, in fact, the expressions of *public opinion*, with reference to which Chambers' Encyclopædia says: "Burghers alone vote for or sit in these chambers (the Volksraads), and an English incomer or 'uitlander,' as he is called, *has at present to be content with the force of public opinion.*" And it is this expression of public opinion, the uitlander's sole means of obtaining a hearing, which it is sought to stifle by every effort. Open air meetings are forbidden—although burghers hold them with impunity and without interference from the Government—whilst perfectly legitimate indoor meetings, nominally sanctioned by Government, are broken up by burghers in such manner and under such circumstances as make it difficult to believe that the methods resorted to are not tacitly approved of, if not by Government, at least by some of its officials.

The First Resolution.

As for the spirit of the London Convention, Article 7 of that extraordinary and exasperating document provides that persons who had remained loyal to Her Majesty during the late hostilities shall have full liberty to reside in the country "with enjoyment of all civil rights and protection for their persons and property." If that stipulation is specifically made with reference to a certain class of people against whom it might be assumed the Boer Government would possibly be justified in entertaining some feeling of enmity, with how much more force must it apply to the later arrivals who had nothing to do with the hostilities referred to and who have always behaved as good citizens should. At any rate there can be no two opinions that the London Convention stipulates *in its spirit* full enjoyment of all civil rights, religious equality, and most favoured nation treatment as regards customs

A Breach of Good Faith.

duties, and also equal treatment in the matter of taxation. The curtailment of such rights as exemplified in the arrest of two British subjects and last Saturday's breaking-up of a lawful meeting, for which the Government must be held responsible whether it had foreknowledge of the conspiracy or not, constitutes a direct violation of the spirit of the London Convention. Not only is the Public Meetings Act a violation of the spirit of the Convention, but it is the culmination of all our grievances, since it forbids the very freedom of speech and action so essential to a proper ventilation of other grievances of which uitlanders justly complain. Their cause is a just cause, and if their frequent representations to the Government of this country are treated with scorn and contumely, then there is but one course open to them, and that is an appeal to the Suzerain Power, a call for the protection of Her Majesty the Queen. In having recourse to this, their sole means of salvation, British subjects are exercising what is their inalienable birthright and all attempts to rob them of it are as certain of failure as they are sure to recoil upon the heads of those who make them. The uitlanders, and especially the British uitlanders, of the Transvaal are within their rights in adopting all and any legitimate means within their grasp to ensure a petition to Her Majesty reaching its destination, and if it be found inadvisable, for prudential reasons, to hold another meeting, other channels will be found for obtaining an expression of British public opinion.

A Just Cause.

No. 48.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL.).

SIR, Downing Street, February 15, 1899.

I HAVE the honour to acknowledge the receipt of your telegram of the 18th ultimo,* forwarding three resolutions passed at a public meeting at Pietermaritzburg on the 14th idem, on the subject of the treatment of British subjects in the South African Republic.

2. I have also received your despatch of the 18th ultimo,† forwarding copies of the resolutions, together with a newspaper report of the proceedings at the meeting.

3. I request that you will cause the chairman of the meeting to be informed that I have duly received the resolutions.

I have, &c.,
J. CHAMBERLAIN.

No. 49.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 12.50 p.m., March 11, 1899.)

TELEGRAM.

[*Answered by No.* 51.]

QUESTIONS asked in Parliament as to proceedings at meeting of 14th January, Johannesburg. I replied that I was expecting report from you, and could not yet say whether any action was called for. Send report in continuation of British Agents' despatch, 18th January,‡ especially with reference to alleged proceedings of Commandant of Police and other officials.

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* No. 41. † No. 46. ‡ Enclosure 2 in No. 47.

No. 50.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received March 13, 1899.)

SIR, Government House, Cape Town, February 22, 1899.

WITH reference to previous correspondence respecting the Edgar case and the incidents arising out of it, I have the honour to transmit to you, for your information, a copy of a despatch from Her Majesty's Agency at Pretoria on the subject.

I have, &c.,
A. MILNER.
Governor and High Commissioner.

Enclosure in No. 50.

ACTING BRITISH AGENT, Pretoria, to HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, February 13, 1899.

WITH reference to my despatch of the 18th ultimo, I have now the honour to enclose copy of a Note which I addressed to the State Secretary on the 11th instant, relative to the disturbance by Boer rioters at the South African League's Meeting in the Amphitheatre at Johannesburg on the 14th ultimo, according to information given to Vice-Consul Evans, from affidavits and complaints received from British subjects who were present at that meeting. Your Excellency will observe that I have specially called the attention of this Government to the marked contrast between the treatment meted out to some of those British subjects who took part in the demonstration of British subjects on the 24th of December last and the very detailed prosecutions that followed, compared with the total absence of arrests or any action by this Government against the burghers who caused the disturbance of January 14th.

I have, &c.,
EDMUND FRASER.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.

HER MAJESTY'S ACTING AGENT, Pretoria, to the STATE SECRETARY, S.A.R.

SIR, Her Majesty's Agency, Pretoria, February 11, 1899.

I HAVE the honour, by desire of the Acting High Commissioner, to bring to the notice of the Government of the South African Republic certain statements which have reached His Excellency, relative to the disturbance which took place in the Amphitheatre at Johannesburg, on the 14th ultimo, in regard to which certain British subjects have made complaint of ill-treatment, even at the hands of officials and police, as an indication of which I annex a doctor's certificate given in the case of one of those who were present and were so assaulted (Mr. Walter C. Sparrow).

Although steps were taken by your Government to arrest certain British subjects, and although proceedings have been carried on in great detail before the Courts against them, in connection with the demonstration of December 24th last, yet no similar steps seem to have been taken hitherto to deal with the ringleaders of the disturbance on the 14th ultimo, in which numerous British subjects were severely, although happily not dangerously, injured.

Information has reached the Acting High Commissioner that Road-Inspector Papenfus had instructed all the poor burghers employed upon the Main Reef Road near Johannesburg to be ready to enter the Amphitheatre at 2 p.m., on the 14th ultimo; that, when Papenfus arrived at the Amphitheatre, he accordingly found about 300 of his men there, whom he knew to be employees from the Main Reef Road; that these men (himself included) were told by Mr. Bosman, 2nd Landdrost's Clerk at Johannesburg, to go to the Bree Street Police Station; that, on their arrival there, Mr. Broeksma, 3rd Public Prosecutor, appeared and stated that he had been sent to tell them that they must disperse in small groups, as they might be wanted for a serious affair; that Mr. Broeksma then left for the Amphitheatre, followed by those groups and telling the men

that they must there take the lead from him, as he would stand by the reporters' table, and, when "he struck a certain man, it would be the signal to commence the row"; that Papenfus, with Special Road-Inspector Jacobs, 2nd Public Prosecutor de Villiers, and one Aldon, directed the groups as to the positions they were to take up in the Amphitheatre; that different sections of the Main Reef Road gang were placed in various parts of the building, under their respective foremen; that Mr. Broeksma was observed directing, by signal, the hooting and yelling which soon afterwards began; that eight or nine men then commenced to break chairs, &c., and that some of these were recognized as Becker and Bezuidenhout (of the Germiston section of the Main Reef Road gang), van Fuuren and Sergeant Smith of the Town Police, Erasmus (of the Special Service), Lieutenants Murphy and Keyler (of the Immorality Police), with two others; that the policemen referred to were in plain clothes; that van Fuuren struck (among others) a small man with a broken chair-leg, containing an iron bolt, so that the man fell, and was then set upon and kicked by the others; that Lieutenant Murphy and another Immorality Policeman entered the box ocupied by the Committee of the South African League, and threw out the table and chairs, which were then smashed by the others; that the said Murphy, with one du Plooy and Mr. Broeksma, was seen actually breaking chairs; that Commandant of Police van Dam was outside the building during the disturbances with a body of police; that he was made aware of what was occurring inside, but did not intervene, and that, when informed by a Member of the Johannesburg Town Council that an Englishman was on the ground inside being struck with a riding-whip, Mr. van Dam replied that his informant might make an affidavit; that a large number of the persons inside the Amphitheatre were policemen and detectives in plain clothes, and that policemen's truncheons were freely used in striking the Englishmen present; that Lieutenant Oosthuysen was also in the arena on horseback while the disturbance was proceeding, and yet he allowed the assaulting and knocking down of defenceless persons, and the wanton destruction of property, without any attempt at remonstrance; and that it is a matter of public knowledge that not a single Boer rioter was arrested.

As it is also publicly known that your Government gave its consent to the holding of the meeting of the South African League in the Amphitheatre on January 14th, after having been informed of the intention of the promoters to keep strictly within the limits of law and order, and to avoid any action which might later be construed as illegal—and in view of the foregoing statements, the Acting High Commissioner would be glad to learn what steps the Government of the South African Republic have taken, or propose to take, in order to remove a very natural impression which is widely felt, even through the published reports of the occurrences, on January 14th, that both Government officials and the police, who were present inside and outside the Amphitheatre, neglected their obvious duty to suppress the disturbances by the arrest of those taking part in them—an impression which, in comparison with the action taken against British subjects after December 24th, has led to the conclusion that the action of the prosecuting officials and of the police has been, in connection with the events of December 24th and of January 14th, in strange contrast and markedly one-sided.

I have, &c.,

EDMUND FRASER.

To the Honourable F. W. Reitz.

48, Corrie Street, Jeppes, January 14, 1899.

I HEREBY certify that I have examined Mr. Walter Charles Sparrow, residing at Troyville, who complains of having been violently assaulted. I find that he is severely bruised in the following places, viz:—Right temple, centre of forehead, left temple (very severe), left ear and skull behind, three on crown of head,one on back of head, right eye, the nose, upper lip, which is cut inside and the teeth are loosened, the left ankle, both arms, and left hand, and on the left jaw.

Each of the bruises had been apparently caused by a weapon such as a baton or bludgeon, there has also been a considerable loss of blood, and though the injuries are not so severe as to be fatal, still, owing to the whole of the head and face being so battered, there is a probability of erysipelas setting in, which would certainly be a very ugly complication.

W. TAYLOR BROWN, M.B., C.M.

No. 51.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received April 1, 1899.)

Sir, Government House, Cape Town, March 14, 1899.

I have the honour to acknowledge the receipt of your telegram of the 11th instant,* calling for a report, in continuation of the Acting British Agent's despatch of the 18th January, respecting the proceedings at the public meeting held at Johannesburg on the 14th of that month.

Your telegram was doubtless sent before the receipt of my despatch of the 22nd February,† enclosing Mr. Fraser's despatch of the 13th February, with a copy of a
3/3/99. note which he had addressed to the State Secretary of the South African Republic on the subject. I have now the honour to transmit to you a copy of a despatch from Her Majesty's Agent, forwarding the reply which he has received from the Government of the Republic.

I do not know that I can usefully add anything to the information now before you. The statements in Mr. Fraser's note of the 11th February—which, I understand, were founded on affidavits sworn by persons having full knowledge of the circumstances—could hardly have been more specific, and gave the names of the officials accused of having arranged the disorders that occurred. Seeing that the meeting was held after a direct assurance from the Government of the South African Republic that it would not be interfered with by them, it would have been natural to suppose that they would have had sufficient regard for their own credit to have at once instituted a searching enquiry on receipt of a formal representation of this kind from Her Majesty's Government. But they have thought otherwise, and have declined to take any steps in the matter, referring any persons who may have cause of complaint to the Courts of the country.

In view of recent events, the remedy thus indicated may not appear to the persons concerned to be sufficiently promising to induce them to avail themselves of it; but from what I hear there appears to be a possibility that something of the kind may be attempted.

I shall await your instructions as to whether any further steps should be taken by me in the matter.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 51.

The British Agent, Pretoria, to the High Commissioner.

Sir, Her Majesty's Agency, Pretoria, March 3, 1899.

With reference to Mr. Fraser's despatch of the 3rd ultimo, relative to the disturbance by Boer rioters of the South African League's meeting in the Amphitheatre at Johannesburg on the 14th of January last, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the State Secretary dealing with the matter.

Your Excellency will observe that the Note states that the accusation that the Government or its officials had acted with partiality in the matter is absolutely and entirely devoid of truth, and adds that, as no charge has been laid against Government officials of instigating a disturbance on the occasion in question by British subjects or by subjects of other Powers, the Government, to its regret, can do nothing in the matter.

The Note concludes by saying that, in the event of such complaints being lodged before the competent authorities, the Courts of the country stand open to hear them.

I have, &c.,
Conyngham Greene.

His Excellency
The High Commissioner.

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* No. 49. † No. 50.

The STATE SECRETARY, South African Republic, to HER MAJESTY'S AGENT, Pretoria.

(Translation.)

SIR, Department for Foreign Affairs, Pretoria, March 3, 1899.

WITH reference to your note of the 11th instant [February], relative to the meeting held by the South African League in the Amphitheatre at Johannesburg on the 14th of January last, I have the honour to make the following communication to you.

The accusation that this Government or its qualified officials had acted with partiality in this matter is absolutely and entirely devoid of truth, and this Government regrets that now, after nearly a month since the occurrences, such an unfounded and offensive charge against this Government should have been addressed to them.

Messrs. Dodd and Webb were properly arrested and tried for the occurrences of the 24th of December, 1898, on sworn declarations, which left the competent officials no alternative but to follow them up.

With reference to the Amphitheatre incident, however, not a single British subject has laid a sworn complaint before the competent authorities against anybody, and this Government therefore can scarcely be expected to take any steps whatever against the alleged assailants.

As regards the accusation that Government officials had participated in instigating a disturbance on the occasion in question, this Government can only say that neither to it nor to the competent authorities have any complaints been addressed by British subjects or by subjects of other Powers, so that this Government, to its regret, can do nothing in the matter. In the event, however, of such complaints being lodged before the competent authorities, the Courts of the country stand open to hear them.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
Her Majesty's Agent.

No. 52.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 14, 1899.)

Government House, Cape Town,
SIR, March 28, 1899.

I have the honour to enclose for your information, with reference to my despatch of the 14th instant,* a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the disturbances held at the public meeting held at Johannesburg on 14th January last.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 52.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
SIR, March 24, 1899.

WITH reference to previous correspondence on the subject of the disturbances at the meeting held in the Amphitheatre at Johannesburg, on the 14th of January last, I have the honour to transmit to your Excellency herewith a letter and its enclosures which I have received from the President of the South African League describing the circumstances of the incident in question, and requesting me, on behalf of that body, to bring the matter to the notice of Her Majesty's Government.

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* No. 51.

The League further expresses the hope that her Majesty's Government will think fit to cause an inquiry to be made into the circumstances of the case; and, if necessary, secure suitable compensation for the members, a proper and adequate punishment for the offenders, and suitable guarantees for the Transvaal Government against any repetition of the offence.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

W. CONYNGHAM GREENE, ESQ.,
H. B. M. Agent,
Pretoria, S.A.R.

SIR, 47, Bettelheim Buildings, Johannesburg.

I have the honour to address you on behalf of the South African League, with respect to the rioting which took place at the Amphitheatre in Johannesburg, on January the 14th, 1899, during your absence from this country.

There is no need to refer to the circumstances which led the South African League to call a meeting on that occasion, but I would point out that every endeavour was made by us to avoid anything which might cause a disturbance, or which the Transvaal Government might consider illegal.

In order to avoid any possible misunderstanding, I had an interview with the State Attorney and the State Secretary a few days before the meeting took place. At that interview I explained fully the objects of the meeting, and the nature of the resolutions that it was intended to lay before it. I stated that my object in so doing was to give the Transvaal Government an opportunity of judging whether the objects of the meeting were illegal or not, and whether there was any reason to anticipate a breach of the peace. I further promised that if the Transvaal Government informed me beforehand that the meeting was prohibited on either of these grounds it would not be held.

I was then informed that the meeting itself was perfectly legal; that though the objects of the meeting were naturally distasteful to the Transvaal Government, there could be no legal objection to anything that had been proposed; that the meeting would not be prohibited; that, however, any person or persons who committed acts of violence or other illegal acts, or who used seditious language, would be held responsible, but that the responsibility for such acts rested upon themselves alone, and not upon the promoters of the meeting.

I assured the State Secretary and the State Attorney that no violence or seditious language was contemplated, and I gave my word that we would not attempt any such thing. The interview then terminated.

The objects of the meeting were as follows:—

(1.) To protest against the arrest of Messrs. T. R. Dodd and C. D. Webb.
(2.) To condemn the Public Meetings Act.
(3.) To endorse a petition to Her Majesty Queen Victoria, praying for her protection.

I enclose for your information one of the handbills which were issued, calling the meeting.

You will observe that it was a meeting of British subjects, and therefore that Transvaal burghers were not asked to attend it, nor, if they did attend, could they expect to be allowed to take any part in the proceedings.

As a proof of the peaceful objects of the meeting, and of our intention to avoid anything in the nature of rioting, I may here mention that ladies were invited to attend, and that a considerable number actually did so. The British subjects who attended were also entirely unarmed. Further, it had originally been intended to hold the meeting at 8 p.m., but, although this would have ensured a much larger attendance of our supporters, we altered the hour to 4 p.m., with the express object of avoiding the presence of any noisy or otherwise undesirable element, and of being able to recognise clearly any disturber of the meeting. Of this proceeding, and of some of the reasons for it, I informed the State Attorney at our interwiew. I will now describe shortly what occurred at the meeting.

The meeting took place in a large wood and iron building known as the Amphitheatre, generally used for circuses and similar public entertainments. The building was

capable of holding 2,000 or 3,000 people. Before the advertised time of the meeting the side doors were forced by a large body of Boers, police in plain clothes, and Government officials, numbering several hundreds. These people were all armed, some with sticks, iron bars, and police batons, and some with revolvers. The main body took up a position immediately below the platform. Other smaller but organised bodies of Boers distributed themselves throughout the building, and the remainder of the space was quickly filled with quiet and orderly British subjects.

As soon as the Committee appeared on the platform, and the Chairman began to address the meeting, the Boers and police, under the leadership of Mr. Broeksma, the third Public Prosecutor, and other well-known men, began to make an uproar. It was clearly evident that the mob was acting under the orders of recognised leaders, who gave them orders by preconcerted signals.

It was equally clear that the uproar was not occasioned by anything that was said or done by the speaker or the British subjects present. In the first place the uproar began immediately on the appearance of the Chairman; further, on this account, it must have been quite impossible for the majority of those present to have heard what was said; and lastly, there was nothing said which could have caused irritation. I append for your information a report of the Chairman's speech.

While the Chairman was speaking a determined attempt was made to storm the box reserved for ladies, but this was fortunately frustrated. The brutal and outrageous object of this attempt, as well as its organised character, will fully appear from the accompanying affidavits.*

On account of the uproar the Chairman was compelled to cut short his address, and at asignal given by the leaders of the Boers a large body of police in plain clothes, armed with their batons, started the riot by forcing their way to and fro across the building, using their batons freely upon any British subjects they came across Simultaneously the large body of Boers in front of the platform, under the leadership of Government officials, and the smaller bodies scattered throughout the building, began to lay about them with sticks and iron bars. As soon as this began several members of the Committee and others sought the protection of the police in uniform who were drawn up in order outside the building, but their request was refused. Numbers of British subjects thereupon sought the permission of the Chairman to defend themselves, but the chairman, remembering his promise to the Transvaal Government, and observing moreover that many of the police were armed with revolvers and only waited for an opportunity to use them, refused permission and called upon all British subjects to go quietly home. It was, besides, abundantly evident that as the Boers were acting under the orders of Goverment officials, including the Public Prosecutor himself, any attempt at self-defence would have been construed into an attack on the police, and that, in the then state of political feeling among the officials, it would have been impossible to obtain justice in a Court of Law.

As soon as, upon the request of the Chairman, the building became a little more empty, and the audience had partly dispersed, the Boers and police, again led and instigated by Government officials, began to break all the furniture, and to use the fragments as weapons. The broken furniture was piled up in the middle of the building, and an attempt was made to set the whole on fire. Meanwhile numerous appeals had been made to Commandant Van Dam, the chief of police, and to other members of the police force, to arrest men in the act of rioting, but they refused. Even when told by a Town Councillor that there was danger of murder being done, and that it might already have been done, they refused to interfere, saying that if he wanted an arrest made, he had better go and swear an affidavit.

Although, fortunately, no lives were lost, a great many serious and dangerous assaults were committed by the police and officials upon British subjects, for which it appears hopeless for the aggrieved parties to demand compensation. Throughout the riot the police on duty fraternised with the mob, and even before all the British subjects had left the amphitheatre, this sympathy was most openly expressed, and the police shook hands with the mob and congratulated them. Two lieutenants of police were carried shoulder high by the rioters, without any expression of disapproval by the Commandant, and when it was all over, Mr. Boshof, the Registrar of the second Criminal Court, addressed the mob, and said, "Men, you have all done your duty splendidly, now you may go home," or words to that effect.

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* For affidavits, see No. 54.

Up to the present time no arrests whatever have been made by the Government, nor have any of the officials involved been dismissed from their posts, or otherwise punished.

With regard to the cause and origin of the riot we have ample evidence in the accompanying affidavits. I would ask you to note, moreover, that the greater part of this evidence has been given spontaneously, and unasked for by us.

The evidence shows that the riot was not by any means a spontaneous affair, nor was it organised by unofficial and irresponsible persons. It owes its inception to a conspiracy of Government officials holding responsible positions, and it is difficult to believe that some of the highest officials in the State were entirely ignorant of the plot. There is in the first place evidence to show that the Government officials in charge of the Main Reef Road took a prominent part, and that they were in communication with other persons in Pretoria. There is further evidence to show that when the raw material for a riot had been provided by these means, the feelings of the men were worked upon by the local representatives of the State Attorney, the men having been mustered in the Charge Office for the purpose. The third Public Prosecutor there gave them their final orders and himself afterwards gave the signal for the riot to begin. After the riot was over many of the men returned to the Charge Office, which was in fact their head-quarters for the occasion. There is further evidence to show that another organised body of rioters was drawn from an entirely different source, namely, the police force, and that this body acted in concert with the men from the Main Reef Road.

Further, the police on duty and their officers fraternised with the rioters, and refused to make any arrests when called upon to do so.

It is not unreasonable, therefore, to assume that the concerted action of these different Government departments towards a common end was not the result of a coincidence, but was directed by some higher official who was in a position to command and direct the action of all.

Finally, the Government itself has taken no effectual steps to dissociate itself from the acts of its officials, by degrading or prosecuting those who were directly responsible for the riot.

Under these circumstances, it is obviously out of the question for the South African League to take action against the Transvaal Government for the acts of its officials.

We have suffered serious pecuniary damage, and have had to meet very heavy claims for the destruction of property by the rioters. Many person have been seriously assaulted, and have sustained severe injuries.

But above all, it has been shown that British subjects, while in the exercise of their lawful rights, may be violently and illegally injured and dispersed by Government officials, with complete impunity to themselves and the tacit acquiesence of the Transvaal Government.

With regard to the pecuniary loss that we have sustained, the only action open to us in this country seems to be a civil action for damages against such of the ringleaders as we can identify. I may mention, for your information, that in all probability we shall take some such action as this, but with small hope of success. Political issues are certain to be introduced in order to prejudice the courts against us, as was done in the Edgar case.

With regard, however, to the injuries we have sustained in our rights as British subjects to meet and discuss our grievances, and to petition our Sovereign, it is quite impossible for us to obtain any compensation from the Government, or any satisfactory guarantee that the offence complained of will not be repeated upon some future occasion.

The circumstances of the case seem to demand a full and impartial inquiry, with a view to fixing the responsibility, and securing the due punishment of the offenders. Such an enquiry cannot, in the nature of the case, be satisfactory, it conducted by the Transvaal Government, since it is possible that the Government itself might be involved as an accomplice of the crime.

I have the honour, therefore, to request on behalf of the South African League, that you will bring the matter to the notice of Her Majesty's Government, and to express our hope that Her Majesty's Government will think fit to cause an enquiry to be made into the circumstances of the case, and if necesssry to secure suitable compensation for

ourselves, a proper and adequate punishment for the offenders, and substantial guarantees from the Transvaal Government against any repetition of the offence.

I have, &c.,
W. WYBERGH,
President of the South African League,
Transvaal Province.

APPENDIX.

Speech of the Chairman at the Meeting in the Amphitheatre, on January 14, 1899, as reported by the *Star* of the same date.

"Ladies and Gentlemen,

"We are met to-day as the result of that meeting, or rather, I should say, that "demonstration that was held on Christmas Eve at the office of the British Consul. "This, gentlemen, is the sequel of that demonstration. (Continued cheering and hooting.) "That petition was signed then by 5,000 British subjects. (Cries of 'no,' 'no,' hooting "and cheering.) It was a solemn petition to Her Gracious Majesty, Queen Victoria. "(Vigorous cheering, which was answered by the Boers with renewed hooting.) That "petition was not presented, as the result of technical informalities, but the signatories "are not going to be beaten. (Cheers and hooting.) We have a solemn mandate from "5,000 British subjects. The technical informalities have nothing to do with us. You "may depend on it, that that petition will reach the quarter for which it was intended by "loyal British subjects. (Cheers and hooting.) That petition will be presented to the "House of Commons by those who received the mandate from the British subjects at "that meeting. (Applause and groans.) Aspersions have been cast upon the *bona fides* "of the committee who drafted the petition. Now, gentlemen, I have only to tell you "that the person who has cast these aspersions is a man styling himself Solomon Gluckstein, "*alias* Leopold Grahame, and you may choose between us."

At this point the uproar became so great that the Chairman had to cease speaking, and did not resume except to call for order, and finally to ask all British subjects to go home quietly.

No. 53.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 14, 1899.)

Government House, Cape Town,
March 29, 1899.

SIR,

I HAVE the honour to enclose, together with some newspaper cuttings on the subject not yet sent to you, a copy of a despatch from Her Majesty's Agent at Pretoria, covering a certified copy of Judge Kock's notes of the evidence in the trial of Police Constable Jones, together with a literal translation.

The latter, which has been very carefully made, does not appear to differ in any material point from the account of the trial in the "Star" newspaper, which was enclosed in my despatch of the 8th instant.*

In any comments on the proceedings it would, however, no doubt be better to quote the Judge's notes. There are some obscure passages which are, no doubt, to be accounted for by the haste in which the notes were taken by the presiding Judge.

The remarkable words used by him, according to the report of the "Star," in discharging the prisoner, viz.: "With that verdict he concurred (viz., not guilty), and he hoped that the Police under difficult circumstances would always know how to do their duty," are, of course, not included.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

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* Not printed.

Enclosure in No. 53.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
March 24, 1899.

SIR,

WITH reference to my telegram of the 16th instant, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the Criminal Department of the State Attorney's Office, dated 21st instant, enclosing a certified copy of the minutes of the trial of Police Constable Jones in connection with the death of Mr. Edgar, a British subject.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

(Translation.)

Department of the State Attorney
(Criminal Section), Pretoria,
March 21, 1899.

SIR,

IN reply to your Note of the 14th instant, I have the honour to transmit to you herewith a copy of the minutes in the case of the State against Jones, which were made use of at the sitting of the Circuit Court at Johannesburg on the 23rd of February last.

I have, &c.,
A. STOCKENSTROM,
Head of the Criminal Section
(for the State Attorney).

Conyngham Greene, C.B.,
Her Majesty's Agent.

IN THE CIRCUIT COURT OF THE WITWATERSRAND GOLDFIELDS, SITTING AT JOHANNESBURG.

Before the Hon. Justice Kock.

IN THE CASE OF THE STATE *versus* BART. STEPHANUS JONES.

Copy of the Minutes and Judgment of the Honourable Justice Kock in the aforesaid case.

This 23rd day of February, 1899.

"CULPABLE HOMICIDE.

Accused pleaded Not Guilty.
Advocate Kotze, with Crots and Nathan, for accused.
Jury sworn.
State Attorney asks that an inspection be made *in loco*.
Advocate Kotze desires that everything should be revealed. It is for the Court and the jury to decide whether an inspection *in loco* should be made—it is better to wait until we have some information before us.
The Court decides to proceed with the hearing of witnesses; if it should afterwards appear necessary that an inspection *in loco* be made, this can be proceeded with at any time still.
Lillpopp (P. Anton Heinrich), sworn:
Am medical practitioner at Johannesburg. Held post mortem on 20th December on body of Tom Jackson Edgar. This is my report; it is correct. (Report handed in.) This revolver could have done, it and the bullet wound was the cause of death. Saw accused ten days afterwards and found two bruises on his left arm and one on the head—that was healing.
Cross-examination:—Wound on the head must have bled; could have been caused by a thick blunt instrument, also like this iron. Deceased was uncommonly strong.

Sheppard (Arthur Frederick), sworn :

Reside now at Pretoria ; formerly at Florrie Ch. Remember December, 1898. Knew Vorster. Edgar known by sight ; also resided at Florrie Ch. Saw Vorster that evening. On 18th December, Sunday night, I was in the Chambers. Vorster was also there. I stood before door, and Vorster came out to make water. Vorster was drunk. While he was making water Vorster's dog came out, and he said " Voortzik," and then Edgar and he said, " To whom do you say voortzik ? " I said " He is speaking to his dog, not to you," and Vorster said he would say " voortzik " if he wanted to, and did it, and deceased knocked Vorster down with his fist. I said to deceased " You have no right to do that, I will call the police," and he remained there while I went to call the police.

This plan shows the spot ; in the middle is a lane—below is a street—above is thickly built. The width of the lane is about eight or ten feet I left Edgar in the lane and went to the other end of the lane and called " Police." Three policemen came, and I said that one of my friends had been knocked down, and asked for the arrest of deceased. Deceased went into room and I pointed out his room to police. Do not know the accused. It was dark. I saw two policemen looking through windows. Door was locked. I stood below window and heard shot, and saw deceased in door with his hand up. Everything happened so suddenly and I saw deceased falling forward. I stood opposite my own door.

The Court requests the Jury to say whether they considered it desirable now to make an inspection *in loco*.

Jury now agree to go for an inspection *in loco*.

Advocate Kotze asks that Court be held on the scene.

The Court decides that for the present only an inspection *in loco* shall be made.

State Attorney asks that Advocate Papenfus appear on behalf of Mrs. Edgar, and also that he be present at the inspection *in loco*.

Request not allowed. Advocate Kotze opposes the request.

The Court adjourns until 2.30 p.m.

After inspection *in loco*, sitting resumed.

Jury present.

Advocate Kotze requests that all State witnesses who had appeared at the preliminary examination shall be present.

Order granted in terms of request.

Sheppard, under same oath :—

w.d. w.w. d.w.	w. d. w.	d.
x.		
w.d. w,w. d.w.	w. d. w.	d.

After Vorster had been knocked down I called " Police." Three or four came, and then Edgar was in house from g—n—own sketch.

Asked police to arrest deceased. They spoke in Dutch. So far as I understood, they asked deceased to open the door. I stood before my door and went nearer, and then I heard a shot—as soon as the door opened—all simultaneously. I turned towards the place whence the report came and I then saw all at once that somebody was standing in the door with something in his raised hand, while he fell forward, and in falling turned—he raised his hand—the left hand I believe—so far as I could see, a little over his head Deceased staggered against policeman who stood directly before the door. I did not see attitude of hands of policeman. There was a light in the room. It did not shine on the policeman.

Cross-examination :—Before door opened, I heard knocking by police—also that police spoke with Edgar within. Vorster was small—was knocked down to the ground as if dead. I immediately raised Vorster with one of my friends, but when Vorster came (*sic*) in, Vorster still lay there and police saw him. Vorster was not quite drunk ; he could still walk well. Decased hit Vorster once with his fist, but very hard. It was dark in the lane. Did not see whether deceased saw the police.

Waldeck (Jacob Johannes) sworn :

Am detective. Know this stick ; it comes out of Edgar's house ; was found by me. It is a stick with an iron screw to it, found indoor. Plan is not quite correct ; one window and room are wanting. The whole stick was and is full of blood ; it lay in blood.

Cross-examination :—Accused went to guard-room to report the matter. Do not know accused. It looks much like an iron. I had accused arrested. Saw accused ten days later at the preliminary examination. Report given by accused was in already before accused was arrested.

Edgar (Edward Mortimer) sworn :

Am brother of deceased. Was not present at the occurrence. Saw his body, and saw it with Detective White and another person, besides Humphries.

Wilhelm (George Frederick) sworn :

Know Edgar, last witness. Was present with him ; he pointed out the body to me and I to Dr. Lillpopp.

Edgar (Bessy James) sworn :

Am widow of deceased. Remember 18th December, Sunday evening. Deceased was out that night ; do not know where. He came home about midnight. I heard accused coming up the lane, and heard him speaking before the door, coming in answer to another person, and he then came in. I heard shouting "Ini-in-daba," and then in reply "Eikama ininadaba." Deceased came in and sat on the bed and locked the door. I spoke to him and asked "What is the matter with you ?" He replied that somebody outside had insulted him. Then certain persons tried to enter by the window. We sat still until the door was burst open, and after the door had been broken, deceased went to the door ; before that they were at the window and tried to force that open and cried together ; they did not ask to open the door.

I saw nothing with deceased when he went to the door, and as soon as he came there he was shot. He went quickly to the door—there were two or three at the opening of the door. Deceased had no time to attack the police.

I saw that a policeman shot him, but do not know him. Deceased staggered first backward and then forward. Know this stick ; it usually lies in the house. Did not see it that night in the hands of deceased. I remained with my husband ; had on only night-dress.

Cross-examination ; I have already given evidence, and my affidavit has been published in "Star." I saw it therein.

After my husband had come in, I heard some one call "Police," and then some one said, "Break open the window or else the door, and get him out." I understood that Sheppard said that. Windows were slightly open and nail held it up. It was as a matter-of-fact open, and a policeman pushed in a stick to lift the curtain aside. He had uniform on. Both the calling of police and the uniform my husband could see as I did. I know well that no police brought my back (*sic*). It is wrong as stated before Landdrost. When I went out there was no one at the door. Deceased remained out so late occasionally.

Burke (Donague), sworn :

Reside at Frederick Street ; am painter. Remember December. I heard some one shouting "Police." My room is left of Florrie's Buildings. It was 12 or 2 a.m. I sprang out of bed and went to hear, and noticed the shouting from Florrie's Buildings. I saw a policeman and followed him, and heard some one say "Take him in charge, for he has beaten my friend." Do not know who was meant. Two or three times it was said "Arrest him ;" and then police went in direction pointed out by speaker, and I heard say, "Break open the door." The same person said it. There were three or four police. Remember having seen accused there that night. It was dark ; could not see well. Did not see who broke open door, and on breaking open I heard a shot. I stood at the lane ; I stood against wall on right side at entrance. I could not see into house of deceased. Shot and breaking open of door were simultaneous. After shot I saw some one falling out of door, and I then went thither. Did not see whether person who fell out had anything in hand.

Cross-examination :—Some police came there before me and others after me. Did not know Voster ; saw him lying on ground. Do not know whether he was dead or alive. I made declaration before South African League. I was told that the British Consul wanted it. I know nothing of the League. They wanted to lay it before British Consul. Affidavit was made before preliminary examination. I gave no instructions to do that. I heard it said in coming in, "Arrest him, for he knocked down my friends." No policeman said that. Police came there a little before me. My declaration published is correct. I understood a little Dutch. I did not understand anything. I afterwards heard a policeman say "Jones"—or Juns—"has shot him."

Makensie (Mardo), sworn :

Reside at Forfacher Hotel. Remember 18th December. That night I went to bed about 10 p.m. and got up at 12 at night, for it was warm. I heard a noise opposite the hotel—obliquely opposite. I went outside to listen, and saw a stout person coming up direction of Anderson Street, and then the quarrelling was over. Quarrel took place before he (deceased) came in. Then I heard "voerset," and saw some one coming out and calling "Police." Noise was as of drunken persons. After the cry of "Police," I saw two policemen and thereafter another policeman. It was not the stout person that called "Police." Three persons went in and came out again, and said, "We cannot arrest anyone in his own house without warrant," but went in again. I heard noise of door, and at the same time I saw the light. I heard no report of revolver. The report was after the opening of the door. I cannot say whether between the opening of door and the shot there would have been enough time to ward off two blows and then to shoot. Thereafter I heard a woman's voice. After having dressed myself I went thither, and saw some one on the ground.

Cross-examination :—After the light I said to my friend, I was going to look. I was awake. Have given evidence before the Landdrost. I first heard some one knocking. Did not know who had shot the man lying there dead. I saw no other man. The other might perhaps have been brought into his room already. I at first refused to make the declaration, and made no declaration before the South African League. I made declaration before an attorney. Attorney is named Hutchinson. The police spoke in Dutch. I examined. Do not know precisely which policeman spoke with me. I heard police say in English, "We cannot arrest unless we have a warrant." The mine is close behind. I was on verandah of hotel ; width a street and lane. Have already heard revolver shot ; can be heard four or five hundred yards. I heard everything from verandah, and not the shot, as a skip was just then unloading stones. Noise was occasioned by the unloading, and then I heard the talking.

The Court adjourned until to-morrow 10 a.m.

Sitting resumed February 24, 1899, 10 a.m.

Jury present.

Cantorrewitch (Isidor) sworn :—

Reside at 10 Comm. Street. Remember December 18, 1898. That night I was aroused in bed by shouts of "Police." I then resided at Florrie's Chambers. I lived in the last house opposite Edgar's house. I heard in bed, "Break window and door and arrest him," something, because he has beaten somebody. I do not know precisely what was said. When the police came, four in number, I got up. Do not recognise police. I saw a policeman forcing open the door and others standing by. Policeman pressed door with knee. Did not hear police speak with people in the house. I came out and asked what it was. The policeman at the window had something in his hand. I saw nothing in the hand of the policeman in front of the door. Policeman in front of door wore a macintosh. I did not see his feet. He appeared to be leaning against something. I saw the door burst open and saw a figure of somebody inside. I did not see whether the figure did anything. I only saw a light. Heard a report and saw somebody drop. The interval was about half a minute. I did not see whether the figure hit the policeman. I do not know the policeman. I heard no row between Edgar and Voster.

Cross-examined : My room is in passage. After the shot I went away to my room. I would be surprised if it has not been burst open. The following day I examined the lock. The catch into which lock fits was pushed back. I then examined. The detectives came the following day. I made a statement, but not under oath. They asked me to make a statement. I read the "Star." I said that two persons asked me to make an affidavit. They said they came from the British Agent. I do not know what became of it. I read it in the "Star." The examination took place when Detective White took me to the Dectective Department to make an affidavit. I saw no old catches on the door post. I do not know what the time was and which detective was there. I think it is Detective White. I did not look at the woodwork. I said that I would swear to my statement. She did not tell me whether it would be published in the "Star." I am a British subject. I was a friend of Edgar. I know Waldeck by sight. I am not certain whether there was a detective. At that time I would have been able to say. It is Mr. Waldeck. I did not examine the catch. I do not know whether door could open or close without locking. I did not examine the door properly. It was in the afternoon when I came to the door. I did not see whether window was open. I

only saw that the policeman was busy with something in his hand. There was light in the room.

Waldeck (Jacob Johannes) deposed:

I examined the house the same evening—1.30 a.m. The top screw of the catch was jerked out. It appeared as if it had just been done. The lock was locked with the lever projecting.

Cross-examined: Nothing on the door was broken. Former witness gave me all information, and appeared to be a foreman. Former witness gave me this newspaper to wrap the stick in. It appears to me that he must have recognized me.

Friedman (Josef) deposed:

I live at the corner of Sauer and Anderson Streets. I remember the 18th December. I heard something. We were coming from the theatre, and heard somebody calling for police. The person who was calling stood close to Florrie's Chambers. Three policemen came. I also went into the yard, and calling out, said to the police, "There lies the person who was struck, and the assailant is in the room." The police said they had no warrant, and did not know what to do. This conversation took place after having pointed out the person who was knocked down. Then another policeman arrived, and the same story was related to him. It was Jones, who fired. Accused pushed against Edgar's door with his left shoulder and leg. I personally saw through the window that Edgar was inside, and the curtain in front of it. It was the window further down the passage. I stood next to the accused, and when Jones pushed the second time, I think I saw a revolver in Jones's hand, and a policeman said to accused, "Look out, he (Edgar) has a stick in his hand." When the door opened I heard a report and somebody fell, and we caught hold of him and carried him out of the yard. When the shot was fired I stood two feet from defendant. He had a macintosh on. The macintosh was similar to this. I did not see that Edgar hit the accused. I washed myself afterwards, for with the report some blood got on to face. The blood got on to my nose. I also stood at the door. If accused had been struck I should have seen it. I did not hear that the other police asked to get in. Nor did I hear knocking. I believe two policemen stood next to Jones.

Cross-examined: I made an affidavit. People asked me what had happened. I received no payment. I cannot read a newspaper. Afterwards I heard that it had been published in the newspaper. I heard that in Court. Accused came last. I heard accused push against the door. I did not hear any knocking. I arrived there before the report. I do not live there. I did not see that Edgar held anything in his hand in a threatening manner. Accused left. I do not know how defendent received the wounds.

By the State Attorney: I saw Waldeck there that night. I saw Cantorrewitch there that night. On the report he came out. I can speak Dutch and English slightly.

Waldeck recalled: I know the last witness. He came to me, and was eager to give evidence, as he knew everything. Sergeant Smit was present.

Muller (Weinand) deposed: I am a policeman. I remember 18 and 19 December, 1898. I was in Frederick Street on duty. I know Florrie's Chambers, about 200 yards from that street. I heard something. A private person called out very loud, "Police." I ran with le Roux and got into the lane. A private person stood there, dressed in underclothing, and we examined the prostrate person, thinking that he was dead. I knocked, and so did the private person, but nobody would open. I saw Edgar inside through the window; there was light in the room. I looked through the top window. Le Roux pulled the curtain aside. The woman had clothes on, and was not lying in bed. Le Roux saw an iron in Edgar's hand, and the private person said, "Look out, he will shoot you." Jones wanted to open the door to fetch the man out. I did not reply, and he said, "We must be prepared." The window was pushed up. It was not opened further, only the curtain was pulled aside. We told them to open the door. We did not speak English, and gave reasons, saying we were police. He did not answer. Jones pushed the door open and Edgar rushed at him, and with the second blow came the report. With the rush Edgar struck Jones on the head. I first thought that Edgar had fired. Deceased then fell and we caught him. I always have my revolver with me in this position when on duty. I was directly behind defendent. I examined the lock. The screw gave way when Jones pushed. Jones stood on the threshold, and could neither get forward nor backward, for we stood behind him. Jones told us to remain there, as he was going to report the matter. Deceased resisted strongly. Accused was knocked senseless, and at the second blow put his hands out in front of him. I have known Jones for 19 months.

Cross-examined:—I heard somebody call "Police" six or seven times. I arrived first, then le Roux, and then Jones and Rood. We had just commenced the examination when

Jones arrived. We policemen saw the person who had been knocked down. That private person pressed for the arrest of Edgar. I do not know whether he said "Smash the windows and the door." We consulted with each other whether we had power to arrest without a warrant. By being prepared, Jones meant to open the door. The first blow was on his head, and caused him to bleed, and on the second blow he fired. This uniform, covered with blood, is that of accused, worn by him on the evening in question. I personally saw the bleeding. Rood and Jones more or less at the same time. Voster was altogether dead. I did not know how he was killed. The deceased could have escaped had we first gone for a warrant.

Le Roux (Andries Francois) deposed:

I know the former witness. I was with Muller, in Frederick Street, and heard somebody call "Police." When I arrived at the place, Shippard said to me, "A man has been killed in this lane." We thought that the prostrate person was dead, and then he showed me Edgar's house and said it was Edgar. I laid hold of the lock and spoke through the door, saying, "Edgar come out," and he replied that he would not. I told him that I was a policeman. Rood came while I was busy with the door. When I left the door I got to the window. Window was about half foot open, and had a curtain in front of it. I pushed the curtain aside with my staff and saw the woman on the bed in her nightdress, and Edgar stood with a stick, as I thought—an iron—in his hand. When I opened the second time deceased aimed and threatened with the stick. He stood next to his wife. I warned the police. Then Jones arrived, and after the private person had pointed out the corpse to him, he proposed to open the door and knocked at it, but no answer. Rood stood behind Jones, and they pressed the door open. Edgar then quickly went to the door and the woman said, "They must have a warrant to arrest you." I stood at the window all the while. When the door was opened, Edgar struck, and on the second blow came the report. He then fell into our hands with a tremendous force and fell on the ground. The woman came out with a glass of water. I did not see the hands of the accused.

Cross-examined:—Muller and I came together, and then Jones and then Rood immediately after us. I saw Voster carried into the room. The blood was flowing fast from Jones's wound. This is the uniform of the accused, covered with blood. Edgar and Jones staggered from each other. The shot penetrated Edgar's left breast.

Case Closed.

Adv. Kotze asked for the discharge of his client on the grounds that accused had acted in accordance with his duty.

State Attorney:—Evidence has been brought before the Court from which it appears that accused burst a door open without sufficient reason and shot the deceased in his own stronghold. Russell on Penal Law, Part III., Ed. 6, p. iii., points out that only in civil cases a person's house is your stronghold, and p. 83, and Crim. Proc. 37 and 34.

State-Attorney, p. 733.

Archibald, Ed. 20.

Archibald, p. 679, Ed. 19.

The Court decides that it is desirable upon facts to refer the case for decision by Jury in accordance with the procedure directed by the Court.

Defence:—

Daley (Ramsey) deposed:—

I am a licensed practitioner. I know accused. I remember December 18, 1898. I examined accused and found two wounds on the left side of his head, which were still bleeding. The blood was running from them freely, and was still falling on his uniform. The wounds were about a quarter of an inch from each other.

Medical conclusion:—The two wounds must have been received so soon after one another that it was awkward for accused to change his position.

I examined his arm and found two red marks, caused through an instrument like that.

Smit (Sergeant Jacobus Erasmus) deposed:—I was present with Waldeck on the night in question. I saw Friedman there, and then Waldeck asked who knew about the matter. Friedman said, "Take my name down as a witness although I do not know very much about the matter." The following night I spoke to Friedman and he told me that when the shot was fired he entered the lane. I swear to this. Accused is a good policeman. He reported everything and went to pull off his uniform, and dressed in

private clothes. This also he reported. League asked me to sign to get the deceased back.

CASE CLOSED.

The Court adjourned till 2.30 p.m.
Sessions resumed at 2.30.
Jury present.
Adv. Kotze. Maarman, p. 157.
Cons. of Utrecht.
Cons. 19, No. 15.
Archibald, p. 742.
1. The first. Justifiable homicide, and on offering resistance, the police could kill him.
2. Having caught in the very act, the police had to make an arrest.
Part III. Russel p. 83. Ed. 6.
3. Police had to arrest. Russel, Part III. Ed. 6, p. 105—to show that they had power to force the place.
P. 110 of Russel, as above quoted.
Verdict of the Jury. The Jury could not agree, and, at the request of the Prosecution and Defence, were locked in.
The Court adjourned till 10 a.m. to-morrow.
Sessions resumed 10 a.m.

25th February, 1899.

Jury present.
Verdict of the Jury. Not Guilty.
Accused discharged by the Court.
State Attorney desired to reserve several points in this case.
1. In how far the State Attorney can demand that the case shall take its usual course while it is still in his hands.
2. In how far an officer of the law is justified in forcing into a house, with or without, warrant, upon the act or otherwise, in order to arrest a suspected person.
(A true copy.)

Registrar of the Court.

APPENDICES TO No. 53.

ADDRESSES OF COUNSEL.

PROSECUTION.

Mr. Cleaver began his address to the jury. He said, in one respect it was an extraordinary case. The State was prosecuting one of its own officials, and it was a case which the jury should deal with without fear. A great political question has arisen out of the occurrence. Some persons had endeavoured to bring the State into contempt. The newspapers took the case up, and in some respects prejudiced the case. That was a reason why the State, and the Jury as the representatives of the State, should act in as impartial a manner as possible. They should set aside everything that had happened outside, and consider only the facts that were placed before the Court. It rested with the jury to show that the State could act in a perfectly impartial manner. The strongest cross-examination did not shake the evidence against the defendant. The police went to Edgar's place and demanded that he should open the door, but did not say they had a warrant or anything of the kind. Defendant was not entitled to push open the door. No one had a right to push or kick open another person's door, not even the President of the State. Jones burst open the door, and that was nothing more nor less than housebreaking. Edgar had a right to defend his wife, and he would ask the jury whether any of them would not have resented anything of the sort done towards themselves? Jones burst the door open, and, in an unjustifiable manner, rushed upon the deceased, who was protecting his hearth and home. After reviewing the evidence, in detail, he said that Jones had no right to believe that the deceased would escape, or to force his way into the house, and use such extreme violence as he had done in the case.

DEFENCE.

Mr. Kotze, in opening his address to the jury on behalf of the prisoner, said it was a great honour for him to address a jury in that Court, and to defend at his first appearance in the Court as an advocate an official of the State, who was charged under peculiar circumstances, with something he had done in the discharge of his duty. The principle that a man's house was his castle applied to civil cases, and not to criminal cases. He quoted from the Roman Dutch Law in support of his contention that an official of the country could not be held guilty when he killed a person who resisted him in the discharge of his duty. He

also quoted from Archibald, as follows: "Where an officer of justice is resisted in the legal execution of his duty, he may repel force by force, and if in doing so he kills the party resisting him, it is justifiable homicide." His second contention was that where a judicial official had reasonable grounds for suspecting that a crime had been committed, he was not only entitled to arrest, but was bound to arrest the suspected person. It was only necessary for a person to call in the assistance of a policeman, and for the officer to see that a crime was being committed, to justify him in arresting a criminal or a suspected criminal. The learned counsel quoted Russell to the effect that a constable is entitled to arrest a person without a warrant upon reasonable suspicion of the commission of a crime—even if a crime has not been committed, if there be reasonable ground of suspicion. The arrest might be without a warrant, when a person was suspected of having knocked another person down and had apparently killed him. In this case the prisoner was not only entitled, but it was his duty to arrest Edgar, providing also that he first asked for admission, and was refused it, and that Edgar might be supposed to know what the police were there for. Jones was quite justified in breaking open the door. Mr. Kotze proceeded to quote from Russell, page 105, that a constable is not obliged to give a person notice of what he is to be arrested for. The criminal was supposed to know that. This doctrine of law applied especially in a case such as the present, where a constable was called in while a crime was being committed, or immediately after. If a policeman saw a man committing a crime, and chased him, the policeman would not require a warrant to follow him into a house in which he might seek refuge. Quoting again from Russell, the learned counsel read, "Where a felony is committed, or a dangerous wound has been given, the party's house is no sanctuary for him. Doors may be broken where one known to have committed felony or treason, or to have given another a dangerous wound, is pursued, either with or without a warrant, by a constable, or even a private person." The Judge before whom this case was being heard had himself upheld this principle in a case which he decided five months ago. Counsel then reviewed the evidence, and in closing his address, he said, that, under the circumstances, Jones was entitled to come to the conclusion that Foster was lying there dead—whether he was dead or not had nothing to do with the case. Was it, he asked, the duty of a policeman to go away like a coward, after trying to get the supposed murderer to come out of his room? He had to uphold justice, and if he used violence in the carrying out of his duty it was justifiable homicide. It was not the duty of the accused to prove his innocence, but it was the duty of the prosecution to prove him guilty. The evidence, as submitted by the prosecution, was very contradictory. The only question was whether the man was justified in breaking the door open, and he contended he was. He left the case in the hands of the jury with perfect confidence.

Mr. Cleaver pointed out to His Lordship that the authorities quoted laid it down that the public safety demanded the arrest of a man when he ran into his own house, and was chased by a policeman. That was not the case in the present instance.

Mr. Kotze said it was the same thing whether a constable was present, or 50 feet away, and was called upon to arrest a man.

Judge's Summing-up.

The Judge commenced his address to the jury a few minutes before four o'clock. He said he would draw the attention of the jury to the legal points of the case, and then leave it entirely in their hands. Having referred to Dr. Lillpopp's evidence of the injury inflicted upon Jones, the Judge went on to describe the circumstances under which Edgar lost his life, as detailed in the evidence. The witness Shepphard was with a friend named Foster, who was somewhat drunk on the night of December 18. Edgar came up to them, and Foster said "Voetsak," to a dog which was with him. Edgar took the remark as addressed to himself and resented it. Shepphard told Edgar that his friend was not in his senses. Then Foster, as might have been expected from a man who had had too much drink, asked what right he had to say that. Edgar turned round and struck him a blow, which caused him to fall to the ground. Then Shepphard ran into the street, and shouted for the police. Immediately afterwards two policemen came up. His Lordship further reviewed the evidence.

Taking the case of Foster into consideration, and considering that they might have to do with a murderer, Jones thought it best to use violence to arrest the man, and thus prevent his escaping, which was certainly his duty as a policeman to do. The principal witness for the prosecution, Mrs. Edgar, denied that her husband had anything in his hand, especially a stick, or piece of iron, when he went to the door. Immediately that the door was burst in, her husband was killed, and she went and brought a glass of water. It was for the jury to judge between the evidence given by the witness Friedman and Sergeant Smit. Taking the evidence given by the police it all came to the same thing, namely, that two of them arrived at the place first, and that Jones followed; that one of them looked in through the window, and, seeing that Edgar was armed, cautioned the others. At all events, Jones went in front, and it was acknowledged that he forced the door open. Edgar rushed to the door, and, according to the evidence of the police, he gave Jones two blows on the side of his head, and, according to the doctor's evidence, the wounds on Jones's head must have been caused at the same time. At the time the second blow was given, they heard a shot, and the police at first thought that Edgar, and not Jones, had fired. One staggered forward, and the other backward. That was the whole case. The jury would have noticed that there were many contradictions in the evidence. Particularly marked was the discrepancy of different testimonies in respect to the question whether or not the deceased had a stick in his hand. Some of the witnesses, too, did not know whether Foster was lying on the ground or not at the time of the shot being fired. There was also a contradiction about the shouting, and whether the disturbance took place before the deceased went into the house or after. Leaving these matters, he would address himself to the legal points raised by the evidence. The first question was that of the relations between the police and the public—the powers which the police possessed in respect to the arrest of a private person. In this instance the police had not acted upon their own account, but upon the call of the public. Hearing shouts they came running to see what was the matter, and acted upon the statement of the person who summoned them. It was laid down in English law that at the call of the public the police, on reasonable ground of suspicion, must act decisively against any person pointed out to them. In this case the police came and investigated the matter. After they had consulted together, they decided upon breaking into the house in which Edgar had taken refuge

This decision was also come to after they had all seen Foster lying on the ground. They could not conclude otherwise than that Foster was dead, and they resolved to take steps for the immediate arrest of the man whom they thought was a murderer. To justify them in so acting it was not necessary that Foster should be actually dead. It was sufficient that he had sustained a serious assault. The jury had heard a number of arguments upon the law of arrest under such conditions. He would lay down as one principle that if a policeman saw another person knock another down or commit a crime it was his duty to arrest him at or after the fact—that is immediately after the fact. The question here was whether or not the time which elapsed between the misdemeanour committed by Edgar and the policeman's appearance entitled them to act upon the information afforded them by Shepphard. He instructed the jury, that as soon as the police got the information from Shepphard, especially seeing that his words were supported by the sight of Foster lying unconscious—the police were immediately entitled to make an investigation, and were obliged to arrest the criminal. If the police had reasonable grounds for considering that Edgar was a great criminal, and feared that he was going to escape they had the right to arrest him. Jones, in reporting the occurrence immediately afterwards at the Charge Office had acted according to the law. When a person was detected in the commission of a crime it was the duty of the police to take steps to arrest him, if necessary, without a warrant, if they had any reason to fear he would otherwise make his escape. It was difficult to decide as to the facts of the case. The breaking in of the door was admitted, and the question was whether the police acted in the execution of their duty or not. If the jury thought they did, they would, of course, find a verdict of not guilty. It had been suggested that the row took place before Edgar came on the scene, and that Shepphard himself knocked his friend down, but he did not consider how this could possibly have been the case. He would, however, leave it to the jury to say whether this view was the correct one or not. Further he must point out to them, that they were to ignore any expression of public opinion on the matter, either through the press or in any other way, and give their verdict according to the evidence brought before them and nothing else. If they were of opinion that the defendant deserved to go to gaol it would be their duty to find him guilty; on the other hand, if they had doubt on the subject, they were bound to give the defendant the benefit of it.

The Jury Recalled.

The jury retired at twenty minutes to five, and at five o'clock the Judge asked them to come into Court.

The Judge: Gentlemen of the jury, I have heard that you cannot agree. Is there any point on which you want further information? I only want to know, have you any difficulty about any law point, on which I would be able to help you?

A Juryman said they had not agreed as to the facts. They wanted more time to consider their verdict.

The jury retired, and at a late hour sent in to say that they could not yet agree.

It was therefore ordered that they should be locked up till next morning, and the Court adjourned.

The Verdict.—To-day.

Punctually at ten o'clock this morning Mr. Justice Kock took his seat on the bench at the Circuit Court.

The jury in the Jones's case filed into Court soon afterwards, and, having answered to their names, stood up to deliver their verdict.

The Registrar: Have you agreed to your verdict?

The Jury: Yes.

The Registrar: Have you found the accused guilty or not guilty?

The Jury: Not guilty.

The Judge, addressing the accused, said the jury had found him not guilty. With that verdict he agreed, and he hoped the police, under difficult circumstances, would always know how to do their duty. He then discharged Jones from custody.

"Standard and Diggers," February 28.

Side Lights on the Edgar Case.

The Legal Reservations.

(By a Barrister.)

The Acting State Attorney, after the verdict had been delivered in the case of the State v. Jones, reserved certain points for the consideration of the High Court. Briefly these were—(1) At what stage can a case be withdrawn from the jury; and (2) When is a constable justified in breaking into a house for the purpose of making an arrest.

No doubt these are very important questions, but the law is so clear that the object of reserving them for solemn argument before the superior court smacks somewhat of the futile amusement appealing much to the minds of certain illogical people known as beating the wind. Another point was, however, touched upon at the trial of equal importance, but involved in much greater obscurity; and it is a matter of surprise that Mr. Cleaver in his search after enlightenment should not have included it in the questions he reserved.

In the course of the case it transpired that the State did not intend to call in support of the prosecution certain witnesses who had been examined at the preliminary examination. Thereupon Mr. Kotze stated that he claimed the right to call upon the prosecution to put them in the box in order that he might cross-examine them. To this Mr. Cleaver at first objected, urging that he was not bound to make all the witnesses called at the preliminary evidence for the State at the trial itself, but had the right of selection, leaving those he considered in favour of the defence to be called by and made witnesses for the prisoner. Subsequently, however, Mr. Cleaver, whether dazzled the divinity of the Bench, which still envelope[d] the

ex-Chief Justice in the shape of his silk gown, or from some other cause, elected not to press the point, but called his police witnesses, who then and there contradicted his other witnesses on material points, and gave evidence generally tending strongly to exculpate the prisoner.

Now it is not suggested that this evidence was untrue in this case, but if the same procedure is followed when the motives of the witnesses are not so free from doubt, what abuses it might lead to. In the eyes of a layman perhaps there may be at the first glance little in the objection, but if a little reflection is allowed, the danger will be apparent. Let it therefore at once be clearly stated that, according to judicial practice, the side which calls a witness is not permitted to cross-examine him, unless he shows himself hostile. This exception, however, may be dismissed in the case under consideration, because it cannot arise or be taken advantage of when the nature of the evidence that the witness will give is known beforehand to the party calling him.

In the case of Jones, therefore, we had this anomaly: That the witnesses for the defence were actually called for the prosecution, and were enabled to tell their story without having it subjected to the searching light of cross-examination; whereas had they been called for the defence, as they undoubtedly should have been, the veracity or otherwise of their statements would have been properly and accurately tested. Mr. Kotze's objection was apparently founded on English practice, by which the prosecution, if it does not call all the witnesses endorsed on the back of the indictment, is bound to have them in Court for the defence to cross-examine. But the English procedure is very different from ours. There the witnesses whose names are endorsed on the indictment are carefully selected at the hearing before the committing magistrates, and they are formally mentioned in the indictment for two reasons. First, to give due notice to the prisoner of what evidence will be used against him, and secondly, for the information of the grand jury, to whom the indictment must be presented in the first instance. No such practice obtains in this country. The preliminary examination, which is held before the papers go to the State Attorney, is merely an investigation of a general nature, at which the Landdrost is bound to hear and take down the evidence of any one who can throw light on the matter. In most cases there is a dispute as to facts, and the accused has some defence to the charge and witnesses to support it.

If, therefore, Mr. Kotze's contention holds good, the wily criminal has only to have his friends called as witnesses at the preliminary examination to make their evidence for the State, which will at once be saddled and hampered with the plausible story they will have carefully concocted, and be utterly unable to expose its fabrication by proper cross-examination.

To the ordinary reasoning creature such a conclusion cannot logically be arrived at, and if a preliminary examination is an enquiry of such a general nature as hitherto considered, it should certainly be in the discretion of the State Attorney what witnesses he shall call at the trial and leave it to the defence to take the course it may think fit. This is the sensible and proper view to take, but as the point has been raised, though perhaps but informally, a doubt has been cast upon the procedure of the State Attorney's Department that should be set at rest as speedily as possible.

The "STAR," Johannesburg, Thursday, March 2, 1899.

THE EDGAR SHOOTING CASE.

The case of the State vs. Jones, or, as it is most commonly called, the Edgar Case, being now concluded, the time for criticism has arrived, more especially as the case is one of the deepest concern to every inhabitant of the State. When the fact of Police Constable Jones's acquittal was first made known, and publicity given to the commendatory observations with which the presiding Judge embellished his recorded approval of the verdict, we deemed it as well, in the first heat of the moment, to refrain from comment. It was indeed our original intention to abstain from all detailed reference to the case, feeling confident that the actual and notorious facts were sufficient of themselves to stamp public estimation of the verdict, and feeling further convinced, after past experience, of the futility of criticism. From a special cable, which we published yesterday, however, we gather that the whole matter is to be raised in Parliament. The Hon. Hubert Duncombe has already given notice of a question in the House of Commons, with reference to the acquittal of Jones, and to ask what steps it is intended to take to provide for the security of British subjects residing in the Transvaal. It is consequently necessary to review the facts and the verdict. Let us therefore proceed carefully, and as briefly as possible, to discuss the verdict and its far-reaching consequences. The circumstances of the case are so well known as almost to obviate any necessity of reference to them here. Briefly put, they come to this: Edgar, on the night of the 18th December last, assaulted one Forster, in the presence of one of the latter's friends. Edgar then retired to his own dwelling and locked the door thereof. Forster's friend in the meantime apprised the police of the assault, and pointed out to them Forster lying on the ground, and Edgar's house, requesting the police to arrest Edgar. There were four policemen present, and, after debating amongst themselves as to whether they could arrest without a warrant, they decided to do so. Jones, one of the policemen, while the other three police and some private persons were standing near him, proceeded to force open Edgar's door, and as Edgar actively resisted his arrest, Jones killed him. For this killing Jones was indicted for manslaughter, and acquitted. The general rule, as to arrest without a warrant in this State, is contained in Article 39 of the criminal procedure, which reads as follows: "The perpetrator (of an offence) not being discovered in the commission thereof (in flagrante delicto), shall only be arrested on a warrant from the State Attorney, and in such districts where he (the State Attorney) is not, on a warrant from the Landdrost or Justice of the Peace of such district, who, upon the request of the officer (police), shall grant, or *ex officio*, issue same, when it is certain or highly probable that the crime has been perpetrated by the accused." Jones's counsel justified the arrest without a warrant under the provisions of Article 37 of the same procedure, which reads as follows: "The officers of law (police, &c.) have not only the authority, but are compelled in case a crime or contravention of the law is committed within their jurisdiction; and in respect to which the public safety requires that the perpetrator be taken (arrested); to take into custody such perpetrator at once (*i.e.*, without a warrant), that is, if he be found immediately upon, or after the act, without their requiring or waiting for a previous judicial warrant." Section 40 of the criminal procedure further provides: "Where, however, in the delay

(which may be caused) in obtaining a warrant by making a previous application for same from the competent authority, a danger may arise that the law may be defeated by such delay; the officer may arrest the suspected person, and may keep him in civil custody."

It is, therefore, obvious, from the sections quoted above, that the law is against arrest without a warrant, and only will permit the same in the exceptional cases referred to in Sections 37 and 40. A construction must be given to the words occurring in Section 37, viz., "where the public safety requires that the perpetrator be taken." The only construction possible would seem to be where there is danger (*a*) of a renewal of the offence (such as an assault), and (*b*) that the offender would escape. Applying this construction to the case under discussion, there can be no doubt that the one given under the letter (*a*) would not apply, as Edgar had retired to his rooms, locked his door (the time was about midnight), had divested himself of his coat, with the purpose evidently of retiring for the night (Mrs. Edgar was already in her night attire). The English law in this respect is the same as ours, as will appear from two cases cited in Archbold, Ed. XXI., p. 737 and 738. There, speaking of arrests without a warrant, he says: "But where an affray, which has taken place out of a constable's view, is over, and there is no continued pursuit, the constable has no right to arrest the affrayer, unless there is an immediate danger of the affray being resumed." "The prisoner was engaged in a disturbance in the street, when R., a constable, interfered to prevent it. A struggle ensued between R. and the prisoner. R. retired, and the prisoner went into, and fastened up, his house. After an interval of an hour, R. returned with W. and two other constables to the house, which was *then fastened and all quiet.* The prisoner, from inside the house, refused to admit the constables, who spent about a quarter of an hour in trying to get in, and finally burst open the door. They found the prisoner on the top of the stairs, with a bill-hook in his hand, which he used against the constables to resist his apprehension, and with which, in so doing, he wounded one of the constables. Under these circumstances it was held that the apprehension was not lawful, as the first disturbance was at an end, and there was no fear of its renewal; nor was there a fresh pursuit by the constables, and the conviction of the prisoner upon the indictment for wounding W., with intent to resist his lawful apprehension, was, therefore, quashed." Nor can it be for a moment considered that the construction under letter (*b*) would apply; as the presumption is strongly against Edgar's attempting to escape; he had committed no felony, he was living here with his wife, and could, in the ordinary course, have been arrested under warrant, or served with a summons to answer the charge of assault. But even had he attempted to escape, and no "scintilla" of evidence went to show that he intended so doing, he was like a rat in a trap, the exits of the house being guarded by four policemen and a number of private individuals were present and at hand to assist the police. Let us, however, accept the proposition that the police were, under the circumstances, justified in arresting Edgar without a warrant, and consider the *more important question* as to whether Jones was justified in killing him in effecting the arrest. This is an aspect of the case which the Judge presiding at the Jones trial, in his charge to the jury, *entirely lost sight of*. He (the Judge) charged the jury that the arrest was legal, and that Edgar's resistance justified the killing by Jones. The law on this head is stated thus: "Where an officer of justice, in endeavouring to execute his duty, kills a man, this is justifiable homicide, *or* manslaughter, *or* murder, according to circumstances. There must be an apparent necessity for the killing; for if the officer had killed after the resistance had ceased, or if there were no reasonable necessity for the violence used upon the part of the officer, the killing would be manslaughter at the least (Archbold, p. 742)." This is the common law, the law of England, of common sense, and, as we shall proceed to show, the law of this country. It is laid down in Article 31, of the 33 Articles (Local Laws, p. 6), that where the provisions of these articles are deficient, "the Dutch Law shall be the basis, but in a modified form, and according to the custom of South Africa." By Ordinance No. 2 (June 21st, 1837), of the Colony of the Cape of Good Hope (Criminal Procedure), it is enacted that when an officer of the law or private person is authorised, or required to arrest, or assist in arresting a person who has committed, or is on reasonable grounds suspected to have committed, any murder, culpable homicide, rape, robbery, or assault with intent to commit any of these crimes, or in which a dangerous wound is given, arson, housebreaking, with intent to commit any crime; or theft of any cattle, sheep, or goat, or any other crime of equal degree of guilt, with any of the crimes aforesaid, shall attempt to make such arrest and the person so attempted shall fly or resist, *and cannot be apprehended and prevented from escaping by other means than by such officer or private person, killing the person so flying or resisting*, such homicide shall be deemed in law to be justifiable homicide. This is the law in respect to killing, while arresting in this State. *The killing is only justified when there is no other possible means of effecting the arrest.* This is also the law in respect to the right of self-defence (*se defendendo*). Professor Dicey, in his learned treatise, "The Law of the Constitution," in discussing the right of self-defence, on page 423, concisely sums up the law thus: "The gist of these rules is that no man must slay or severely injure another until he has done everything he possibly can to avoid the use of extreme force." Authority might be multiplied, but suffice it to say, this is the law of humanity, the law of every civilised country. The strongest evidence as to the extent of Edgar's resistance is that he was armed with a little round strick, about two feet long, and a quarter of an inch in diameter, with an iron nut at the top, with which, it is alleged, he inflicted two scalp wounds on Jones, which wounds, according to Dr. Lillppop's evidence, were almost healed eight days after the same were inflicted. Now, in the face of these facts, can anyone seriously contend that Edgar's resistance justified the killing by Jones, or in other words, that Edgar could only be arrested by killing him? There was no attempt on the part of the police to overpower Edgar, which by reason of their numbers could easily have been effected, or if four of them were afraid of one unarmed man, they could have sent for reinforcements. This most material, most important, and absolutely essential aspect of the case was not even referred to or commented upon by the presiding Judge, and his remark on acquitting the accused when he said "he trusted the police would always know how to conduct themselves under difficult circumstances," conveys an entire approval of Jones's act. We have therefore this position, that *any* resistance of the police would justify their killing the person so resisting, quite irrespective of the nature and amount of the resistance. It need hardly be said, in conclusion, that this interpretation of the law, if followed by men, the majority of whom have notoriously a very faint conception of the duties of a constable, will in the near future have the most disastrous results.

No. 54.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received April 21, 1899.)

[*Answered by No.* 60.]

Sir, Government House, Cape Town, April 5, 1899.

I have the honour to forward herewith the certified and attested copies of affidavits which form an enclosure to Mr. Wyberg's letter, transmitted to you in my despatch of the 28th March,* but which did not reach me in time to catch the last mail steamer.

From these affidavits, the number of which and the manner in which they confirm one another seem to me to leave no doubt of their general trustworthiness, it appears:

1. That early on the morning of Saturday, the 14th January, the foremen in charge of the various camps along the Main Reef Road were instructed to tell a certain number of their workmen to be at the Amphitheatre in Johannesburg at 2 p.m., where they would be addressed by an official of the Public Works Department, Mr. P. J. Malan (Hoofd van Afdeeling Wegen).

2. That the affair had been planned beforehand, and that Acting Road Inspector Papenfus and others systematically visited the various camps on that morning in order to beat up recruits, and that inquiry was made in some cases to ensure that the persons sent should be "treu," i.e., Boer or Afrikander workmen who might be expected to take the side of the Government. The Russian workmen were not asked to go.

3. That the men were paid two hours earlier than usual, and that those men who were ordered to go were told, if they could not get Government carts, they should hire and recover afterwards.

4. That in some cases, as that of the Boksburg section, the men were conveyed the greater part of the way by Government carts.

5. That when the men arrived at the Amphitheatre, about 2 p.m., a man who was either Mr. Bosman, Second Landdrost's Clerk, or Mr. Boshof, Registrar of the Second Criminal Court, and perhaps both of them, told them to go to the Police Station.

6. That on arriving at the Police Station, they were addressed by Mr. Broeksma, Third Public Prosecutor, and told they were there to break up the meeting when he gave them certain signals.

7. That they then went into the Amphitheatre, and that there were present, besides Mr. Broeksma, Mr. Papenfus, Mr. Jacobs, Special Road Inspector, Mr. de Villiers, Second Public Prosecutor, and Mr. Burgers, also an official, as well as several prominent members of the Town and Special Police in plain clothes.

8. That the different sections of the Road party men were placed in various parts of the building, under their respective foremen, and that several Government officials assisted in locating them.

9. That a number of the men did not understand what they were there for.

10. That the proceedings on the part of the promoters of the meeting, which, as you are aware, had been sanctioned by the Government, were perfectly regular.

11. That on the first appearance of the promoters of the meeting there was a concerted disturbance, which rendered it totally impossible to go on with the proceedings.

12. That in the riot which followed several people were seriously injured, the sufferers in every case being *bona fide* sympathisers with the object of the meeting, and the aggressors being persons who had come there with the object of breaking it up.

13. That the Police did not make the smallest effort to check the disturbances though it would have been easy to do so, and that, when appealed to, they maintained an attitude of indifference.

14. That Broeskma, Third Public Prosecutor, and Lieutenant Murphy, of the Morality Police, actually assisted in breaking chairs, and encouraged the rioters.

I have, &c.,
A. MILNER.
Governor and High Commissioner.

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* No. 52.

Enclosures in No. 54.

I, THE UNDERSIGNED,

EDWARD OLIVER HUTCHINSON, of Johannesburg, in the South African Republic, Notary Public, by lawful authority duly admitted and sworn, do hereby certify and attest unto all whom it may concern that I have this day collated and compared with the originals the copies hereto annexed marked A to B[1] (inclusive) being copies of affidavits made by the following persons: J. J. van Dyk; N. F. Peacocke; W. A. Vogel; C. J. F. Hartung; D. F. Joubert; J. Maniker; C. A. Hershelman; S. P. Bekker; D. J. Goosen; I. Moore; F. Saunders; C. C. Schmidt; R. Blakeney; C. G. Durham; L. Brown; T. Boyse; A. V. J. Locke; C. A. Hopton; A. L. Palmer; S. Vaisey; H. W. Rowe; W. C. Sparrow; F. Rowland (D. Currie); G. Baker; J. Livingstone; P. Burness; A. Bennett; K. E. Wybergh.

And I, the said Notary, do further certify and attest that the same are true and faithful copies of the said originals, and agree therewith in every respect. An act whereof being required, I have granted these presents under my Notarial Form and Seal to serve and avail as occasion shall or may require.

This done and passed at Johannesburg aforesaid on this the 25th day of March in the year of Our Lord, One Thousand Eight Hundred and Ninety-nine.

E. O. HUTCHINSON,
Notary Public.

A.

I, Joseph Johannes van Dyk, make oath and say:—I am a burgher of the Orange Free State, and at present live at the Spes Bona Brickfields. I am working in the cement yard, Central Depot, of the Main Reef Road, in Government service. On Saturday, the 14th of January, my foreman, G. D. Opperman, told me that he had received orders that all workmen on the Main Reef Road had to attend a meeting at the Circus, and to be there at 3 p.m., as from what I could understand, one of the big (sic) of Pretoria would address us.

After receiving these orders we were told to go with a wagon to Knight's, on the Main Reef Road, to unload the bricks. When we left the yard it was about 1.15 p.m. We saw none of our workmen on the road, though they would generally be there, in the camps waiting to be paid. Therefore we were unable to be at the Meeting by 3 p.m. as we were ordered.

J. J. v. DYK.

Sworn at Johannesburg, Z.A.R., this 3rd day of February, 1899.
Before me:
(Voor Mij),
J. H. RAINIER,
V.R.

B.

I, Norman Ferdinand Peacocke, make oath and say:—

I am a burgher of the Orange Free State, and am at present working on the Main Reef Road as first foreman at the Jeppe's camp.

On Saturday morning, January 14th, about 8 o'clock, Mr. Burgers, the paymaster, came to me where I was working with the Jeppe section near the New Heriot mine. I remarked "You are very early this morning"—he usually came about 9.30 to 10 a.m. He said "Yes," and immediately asked me what time I and my men stopped work? We generally work from 7 to 12 on Saturdays, but during summer months, we work from 6 to 11. I said "We stop at 11 a.m." He then said: "I have orders to tell you that you must stop work half-an-hour before the time to-day, as I will be back early to pay the men, as the orders are that the men are to be in town by 2 p.m., or 2.30 p.m. at the latest, to attend a meeting at the Circus; Mr. Malan wants to speak to them, and they must all turn up"—I took this as a definite order from the head office. I asked him what was up, and he said "I don't know. I merely had to leave these orders for you."

Immediately after he left for the other camps at Germiston and Boksburg. I called my men together, and told them what were the orders I had received, and gave them the orders. They asked me what was up, and I said I didn't know. The men thought that it was in connection with work on the road or similar work perhaps on

better terms. I had my private opinion, because the League meeting was advertised to take place the same afternoon at the same place. I said to some of the men jocularly that perhaps they were wanted to stop any rows.

When I got to camp, about 11 a.m., I assembled the men as usual to come into my tent to sign the pay-sheets. Whilst this was going on, a strange man came to the tent door, and I greeted him and asked what he wanted? He said "that he wanted to see the foreman." I said I was the foreman, and he asked me to come outside. He then asked me whether I was the Africander foreman? I said "I am an Africander and first foreman, Mr. Vogel, my second foreman, is down at his house." He then asked my name, and I gave it, and asked his. He said, to my surprise, "Treu." So I said "Oh, what is the matter, what do you want?" He said he had been sent to say that every man must come into town to attend the meeting, to be addressed by Mr. Malan. Mr. Malan had told him so. I asked him what they were wanted to do. He said they were to go to the meeting, and if any proposition was put forward, and a show of hands was required, the men were to outvote the English. I said all the men had already received orders to be in town to attend a meeting. He then asked me who had been there; I said Mr. Burgers brought me the orders. He asked me if the other camps further on would get the orders; I said, certainly, as Mr. Burgers had gone on, and said he had the same orders for all the camps. He said "Oh well, it isn't necessary for me to go on and tell them." I agreed, and shook hands and parted.

When the Paymaster turned up at about 11.30 or maybe 12 o'clock, as each man received his pay, Mr. Burgers personally told them (excepting the Russians) that they must be in town at 2 or 2.30 p.m. at latest at the Circus. Some asked what for? and others said they would try. Burgers said, "You mustn't try; you have got to be there for certain." They got full pay, although they left off work sooner than the proper time. My men went in on foot, but the Government carts belonging to my camp, working at Germiston camp were sent over to Boksburg camp to bring the men as far as my camp, they were ordered by Burgers to bring them right into town, but I said, it's not fair to my mules, as they have been in harness since 6 a.m., and my men were walking so the other men could walk. I came to town to my house and changed, and came on to the Circus by tram. On my way down I met Mr. Aldhum, from the head office (Special Road Inspector's Office). I asked him where Mr. Malan and Mr. Jacobs, the special road inspector, were? He said, I would meet them down at the Circus. When I got down, say at about 3 p.m., I saw a lot of my men and other men from the different road camps. I know the greater number well. I waited about for some time, but never saw Mr. Malan or Mr. Jacobs. I saw Mr. Papenfus from the head office. After a short time I saw a man getting on to the Circus wall, he said that the meeting would be open at 4 p.m., I waited about and saw many of the road men collecting down near the Charge Office. At 4 p.m. I went in as soon as the front door was opened. The place was already crammed. When the speaking began, there was an outburst of hooting, and soon they started breaking chairs. I then left the building. Shortly afterwards I saw some of the police officers in uniform come up on horseback, but the row was still continued, and I went away whilst the mob was still in possession of the building.

NORMAN F. PEACOCKE.

Sworn at Johannesburg this 13th day of February, 1899.
Before me:
Voor mij.
J. H. RAINIER,
V.R.

C.

I, Willem Adolf Vogel, make oath and say:—I am a British subject, born in Aliwal-North, Cape Colony. I am working on the Main Reef Road as second foreman at the Jeppe's Camp. On Satuday, January 14th, about 8 a.m., Mr. Burgers, the Paymaster, came up, and stopped and talked to Mr. Peacocke. After he left for the next camp, Mr. Peacocke came to me and said that Mr. Burgers told him that we must stop work half-an-hour sooner than usual, as we had to go into Johannesburg to meet Mr. Malan, as he wished to address us. I asked, what about myself? and he said I had to go as well. We stopped work about 10.30. We all went to the camp. I went straight to my house before getting paid, and got ready to come into town. Immediately after that I went to the camp, when Mr. Burgers turned up and started

paying the men. As he paid each man he said "Oom, gij moet zikker in kom." A few of the men hesitated and were reluctant, when he told them that they must come in for certain. He did not say anything to the Russians about coming in. After paying all the men, Mr. Peacocke left, and I rode in by myself. I went straight to the Circus building and got there at 2.15 p.m., when there were a good many people there, including many men from the Road party. I met the second foreman of the Boksburg camp, Dicks, and asked him what it was all about? He said he didn't know, they were told to come in to meet Mr. Malan. I said it was the same with us. Shortly afterwards I saw a gentlemen get on the Circus. He said we are all Africanders, and we must behave as Africanders. He was a young man with hair on his face, and I was told that it was Mr. Broeksma—the Public Prosecutor. He said more, but I didn't hear what it was. The crowd then went down to the Charge Office, and I went with it. There was a big crowd in front of the Charge Office, but I had my bicycle, and couldn't get in. I heard someone speaking to the people, but couldn't see him. He said they must disperse in small groups, and that they must go to the meeting. I didn't hear the rest of the speech. I went into a bar close by, and left my bicycle so that I could go to the meeting. As I came out, the doors of the Circus were open, and the place was already crammed with people. I got in at the front door, and was right in front of the Committee platform. When the Chairman addressed the meeting there was a great row started—some of the men who started it were close to me—they were policemen in plain clothes. The row was apparently organized and started by leaders. I got out as soon as I could.

I saw a man armed with a hunting-crop leading a crowd of Boers who were pursuing a man. I then saw two men go down to the Charge Office and report this matter to Commandent Van Dam, the Commandent who was in company of Lieutenant Oosthuizen asked them to point out the man with the hunting-crop, who was one of the leaders. They did so, and Commandent Van Dam and Lieutenant Oosthuizen went up to them and brought them to the Charge Office, but, to my astonishment, the two rioters (the one with the hunting-crop and another man who was also a prominent leader) came back within two minutes and again joined the crowd rushing in and out of the Circus. They were not arrested. Afterwards Lieutenant Murphy, in uniform, was hoisted shoulder high. During the riot there were plenty of policemen present, but they made no effort whatever to stop the same.

W. A. VOGEL.

Sworn at Johannesburg, this 13th day of February, 1899.

Before me:

H. J. MORKEL,
V.R.

D.

I, Carl Johan Frederick Hartung, residing at 238, Anderson Street, make oath and say:—I am a carpenter, at present foreman on the Road Trust. On Saturday morning, the 14th instant, at 8.30 a.m., I called at the office of the Acting Special Road Inspector, Mr. Papenfus. He was not in, and I saw Mr. Aldon, to get my time sheets to pay my men. I found in the office Mr. Aldon, Mr. du Brijn, and Mr. Smith, a carpenter.

Mr. Aldon then informed du Brijn that Papenfus was summoned to Pretoria on Friday, that he had seen the State Attorney at 2 o'clock on that day, and that the State Attorney had warned Papenfus to instruct all men connected with the Road Trust to be at the Amphitheatre at 2 p.m. on Saturday. He then told us that he (Aldon) had been in the office from 6.30 a.m. that morning and that Papenfus and Burger (who is a paymaster) had left town at 7.30, Papenfus for the western section and Burger for the eastern.

He then told us that we were to be very cautious in not repeating anything of what he had said. He then sat down and wrote a letter to Opperman, first foreman of the cement yard. He handed the letter to Smith with instructions to deliver it to Opperman. Smith then left. He then told me to run and get the Scotch cart inspanned for the purpose of going out to warn my men on the Simmer Spruit to be at the Amphitheatre at 2 o'clock, when Mr. Malan would address them. Malan was Chief of the Public Works Department. He further told me to meet Burgers and find whether he had instructed the rest of the camps. I left to get the Scotch cart, but, owing to the absence of harness, at his instructions I hired a cab and proceeded along the reef road as far as the Jeppe Camp. I there met one of my men called Joubert. I asked him what he

was doing. He told me that Burgers had warned them to attend at the Amphitheatre. This was at the Pay Office. The men were waiting for their pay. I then saw Burgers approaching. Before he came up a man named Treu, the same who is under remand on a charge of attempting to murder Ex-Detective Ferguson, told me and one Peacock, who is first foreman at Jeppes, that there was going to be a free fight at the Amphitheatre meeting, and that we should be prepared.

Immediately after this, about 10.15 a.m., Burgers commenced paying the men (up to this pay-time had never commenced before 3 p.m.) Whilst paying out the wages all the men with the exception of Poles and Russians were warned by Burgers that they were bound to be at the Amphitheatre by two, or not later than half-past two. Some of the men said they would do their best to be there: Burgers replied that it was no question of trying to be there, but they must be there or they would know the reason why. They then took their pay without further remarks. Whilst the pay was proceeding a considerable number of the Boksburg men drove up in carts which had been sent out from the Jeppes section previously—as I was then informed by the foreman, Peacock, to bring them in. As the mules were done up Peacock told the men (52 in number) to get out and walk into town. Peacock and myself followed also on foot. Previous to this, Burgers—after finishing the pay—went into town by cart.

When we arrived at the Amphitheatre, I found a body of about 300 men, whom I knew to be employed on the Reef Road. As soon as we were assembled, Mr. Bosman, Second Landdrost's Clerk at Johannesburg, addressed us and told us to go to the Police Station, Bree Street, which we did.

About half an hour after, Mr. Broeksma (Third Public Prosecutor) arrived and made us a speech. He told us that he had been sent to tell us that we might be wanted for a very serious matter (ernstige rede); and to disperse in small groups. He then left us and went in the direction of the Amphitheatre. He told us before he went that we were to take time from him, that he was going to stand by the reporter's table, and that when we saw him strike the man with ginger whiskers, that was the signal to commence the row; when the Meeting was to be broken up.

We did as directed, and almost immediately after Messrs. Dodd and Webb arrived at the Amphitheatre; somebody in the crowd shouted out their names and a rush was made for the menagerie entrance of the Amphitheatre, and I went with the crowd. On entering, I saw Messrs. Papenfus, Jacobs (the Special Road Inspector), de Villiers (Second Public Prosecutor), and Aldon in the building. They directed us as to the positions we were to take up in the body of the Amphitheatre; we were not placed in one solid mass, but the different sections of the Road party men were placed in various parts of the building, under their respective foremen.

Up to the time of the arrival of the League Committee perfect order was kept.

I was placed close to the reporter's table within two paces of Mr. Broeksma, and near me were Papenfus, Wentzel (Gaoler), Jacobs, de Villiers, and Burgers.

When the Committee of the League entered the box, and Mr. Wybergh began to speak, Broeksma shouted "Rats," and a great hubbub took place. I then saw Broeksma directing by signal the hooting and yelling, beating time with his hands. I saw a Boer with a grizzled beard enter the Committee box and speak to Mr. Dodd: as he turned to quit the box eight or nine men rushed past me armed with sticks, and commenced to break up the chairs. These men I recognised. They were Becker and Bezuidenhout, of the Germiston Section of the Road Gang, van Fuuren, a police constable of Johannesburg, Sergeant Smith, of the Town Police, Lieutenant Murphy, in charge of the Special Morality Police, Keyler, of the Morality Police, Erasmus, constable of the "Speciale Dienst," and two others whom I am well acquainted with, but whose names I do not know. The policemen I have referred to were all in plain clothes.

They were then joined by Bosman, Bezuidenhout, the Cab Inspector, Broeksma, and Bloemsma (a mason on the road gang), and a large crowd, who commenced a free fight, breaking up the chairs, and turning the place into a pandemonium.

I saw van Fuuren strike (unprovoked) a small man with a leg of a broken chair containing an iron bolt: he was wounded on the temple and fell—when he was set upon by the crowd and kicked severely. After this, the confusion was so great that it was impossible to see what actually happened. The Boer party then swept the body of the building from door to door and returned: just then Broeksma pointed out to me a man who was in one of the boxes, saying, "There he is, Hartung." The man had ginger whiskers, and I knew he was the man that he (Broeksma) had referred to at the Police Barracks. I thought he wanted me to go for him, so I said, "Unless any man strikes me, I will not strike him." Schuurman, the Public Prosecutor, then came up, and

Broeksma immediately left the building. Schuurman then went into the Committee box and attempted to address the crowd, when Sergeant Duncan (in plain clothes) and three constables ejected him. I then saw Lieutenant Murphy and a tall man whom I knew to be a Special Morality policeman enter the box; they threw out the table and chairs—which were promptly smashed up by the crowd below. Just then I saw a man deliberately try to set fire to the broken chairs which had been previously piled in the centre of the building, but was prevented by Commandent van Dam who was in uniform and on foot. The crowd on recognising him carried him shoulder high from the building. I followed, and I saw Lieutenants Marais and Oosthuizen, of the Mounted Police, on horseback, and in uniform, with some 40 mounted men meet van Dam, and they all returned immediately to the building. They then cleared the building, and on returning to the street van Dam addressed the crowd, "Kijk kerels, julle hat nu uwe plicht gedaan, gaan naar huis en zuip koffee."* During the whole of this time Zupra, Stubbs, and Viljoen, were in my company.

I saw Broeksma, du Pleoy, and Murphy actually breaking chairs.

CARL JOHAN FREDERICK HARTUNG.

Sworn at Johannesburg this 26th day of January, 1899.

Before me:

N. J. SCHOLTZ,
J.P.

E.

I, Daniel Francois Joubert, of Jeppestown, make oath and say:—

1. I am a British subject born in the Cape Colony. I work on the New Reef road.

2. On Saturday, 14th Janaury, the first foreman of the Germiston Camp, Mr. Louw, came to me saying that he had orders to tell all workmen that they had to be in town at the Circus at 2 p.m. Mr. Malan, the head of public works would be there, and would address a meeting of all the workmen on the road. We then stopped work. I then proceeded towards Peacock's camp, and met Hartung my foreman there.

3. He then asked me whether I had received instructions to attend the meeting. I said "Yes" and remained until I received my pay from Paymaster Burgers.

4. Burgers handed me my money, and said "Oom zal jij ook dar wees om twee eur, bij Fillis Circus?"† (He said this as a direct order.) I said "Ya Ek zal daar wees."‡ I then left for home.

5. I got to the Circus at 2 p.m. Mr. Boshof told us to go to the Charge Office, and I obeyed, as he was a Government official.

6. At the Charge Office Mr. Malan did not address us as I had expected, but about 3.30 we were told by an official, whom I was informed was Mr. Broeksma, and whom I shall recognise again, that we were to disperse into small groups, and go to the Amphitheatre. He said some more which I did not hear distinctly.

7. We then went to the Circus and a rush was made for the side entrance where the Committee of the League had just entered.

8. Everything went on quietly until one of the Committee began to speak, then cries of "Rats" were raised, and a general row began, and a number of people began to break the chairs.

9. I do not know who they were, but I was told they were policemen.

10. As soon as possible I left the meeting as—although I am a zealous member of the Africander Bond—having been chairman of the branch in Barkley East (Ward Rhodes) and also a member of the Lady Grey Committee—I objected to take part in any such disgraceful performance.

11. I was until three years ago Field Cornet in Aliwal North (Ward New England).

D. F. JOUBERT.

Sworn at Johannesburg, this second day of February, 1899.

Before me:

Voor mij,
J. H. RAINIER,
V.R.

[C.O. NOTES.] * "Look, you fellows, you have now done your duty; go home and drink your coffee."

† "Uncle, will you be there about 2, by Fillis Circus."

‡ "Yes, I will be there."

F.

I, Joseph Maniker, make oath and say:—

I am a Russian, born in the State of Kovno, Russia, I live in Market Street, Johannesburg, and am employed on the Main Reef Road, near Maraisburg. On Saturday evening, the 14th instant, about 9.30 o'clock, I was walking with J. Schmid along Bree Street towards Rissik Street. I stopped to look at the people making a noise in the middle of the street. Just as I stopped three men came up to me and told me to get out of the way. Without waiting a moment, they set upon me, hitting me over the head and knocking me down. On getting up again they knocked me down again. I felt very bad and my nose and head was bleeding very bad. I could hardly stand. I was afterwards taken to a doctor by a man whom I learnt afterwards to be Mr. Rowland.

JOSEPH MANIKER.

Sworn at Johannesburg this 16th day of January, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

G.

I, Christian Albrecht Herselman, make oath and say as follows:—

1. I am a British subject, born at Tarkastad, Cape Colony.

2. On Saturday, the 14th instant, I was employed on the Government Relief Works, and was working at Knight's Dam.

3. About 11 a.m. I went over to the camp to get my pay. On entering the pay-tent I saw Burger the paymaster. After he had paid me he asked me to go over to Johannesburg. I asked him the reason, he said there was going to be a meeting, and they all wanted the men to go, and that Malan would be there.

4. Previously to this I had seen at the place where I was working the Government carts used on the Simmer and Jack section of the Relief Works going in the direction of Boksburg. When I got to the camp I was told that they had been sent to bring the Boksburg men in to go to Johannesburg. In Boksburg Camp they had no carts in use at the time, as they were not required. I had never known our carts being sent over to Boksburg before this.

5. In accordance with Burger's request, I went into town with D. J. Goosen, and proceeded with him to the Amphitheatre, but on arriving there I got separated from him in the crowd.

6. I was present at the meeting, and I saw the chairs broken up and the fighting that occurred. As soon as I could get out I left, and went into the street.

7. A large portion of the crowd in the Amphitheatre went down to the Police Station, and after shouting there for some time returned to the Amphitheatre.

8. I did not see the police who were in the road by the station make any attempt to stop them doing so, nor did they try to arrest any of the ringleaders.

9. Had I known the reason why we were wanted to attend the meeting I should have refused to go.

10. As a rule we leave off work at about 11 o'clock on Saturdays, but on the 14th instant we left off at 9 o'clock, by order of the foreman, Mr. Louw, who said that he had been instructed by Mr. Burger.

On questioning Mr. Burger about payment of the fare to town and back, he said we had better pay it ourselves, and he would see to refunding it later on.

C. A. HERSELMAN.

Sworn at Johannesburg, Z.A.R., this 31st day of January, 1899.
Before me:
J. H. RAINIER,
V.R.

H.

I, Stephanus Petrus Bekker, living in Main Street, Fordsburg, make oath and say:—

I was born in Grahamstown, Cape Colony, and am now a full burgher of the Transvaal.

I was working on the Simmer and Jack section of the Main Reef Road, and on the morning of Saturday, the 14th January last, Mr. Burgers, the Paymaster, came and told us to mind and all be in town in good time before 3 o'clock p.m., at Fillis's Circus: and for that reason he had come so early to pay us all up for the week's work. This was at about 8.30 a.m. Usually the men are paid between 2 and 3 o'clock on Saturday afternoons.

Mr. J. A. Bloemsma, the foreman of our party, explained that the Englishmen had a meeting that afternoon at Fillis's Circus, and that we must go there and outvote them.

I came into Johannesburg with a large number of fellow-workmen to Fillis's Circus, as ordered.

Before the hour of meeting arrived I saw fighting between a policeman in plain clothes (Andries Bender) and a man who was apparently an Englishman, and I stopped the fight, telling them "Give every man a chance." Then another policeman in plain clothes, Nicholas Grobler (a cousin of mine), interfered, and asked me to leave them alone to fight it out. But I told him that I did not think it right: and he asked me to come away and have a drink.

I then went in to the meeting, after having a drink with him. I went by the front door, and found a large number of people filling the building. When the crowd had assembled some of the people started making a row before the business of the meeting began. I did my best to keep them quiet.

As soon as the first speaker (Mr. Wybergh) began to address the meeting, there began a hooting and the cry of "Rats." The first whom I observed to begin this row were Andries Bender, Jan Depenaar, Piet van Vuuren, and another man, I believe all policemen in plain clothes.

I was trying to get out of the building when I received several blows on the head. and was knocked down, and afterwards left the place covered with blood.

Our foreman (Mr. Bloesma) told me to pay my fare into town and back, and that he would see that I got a refund later.

S. P. BEKKER.

Sworn at Johannesburg, this 21st day of February, 1899.

Before me:

Voor mij,

J. H. RAINIER,

V.R.

I.

I, Daniel Johannes Goosen, of Germiston, make oath and say as follows:—

1. I am a British subject born at Tarkastad, in the Cape Colony. On Saturday, the 14th instant, I was employed on the Government Relief Works near to the Simmer and Jack.

2. On that morning, about 11 a.m., I saw Mr. Burger the Paymaster of the works. He had just come over from Boksburg for the pay.

3. When we went to the Simmer and Jack Camp to get our pay, he spoke to us, and told us that Mr. Malan would like us to go over to Johannesburg to attend the meeting to be held in the Amphitheatre that afternoon, and that Mr. Louw—who was foreman of my section—would take charge of us in town when Mr. Malan would meet us. Mr. Malan is the Chief Inspector of Roads, and has charge of the Relief Works.

4. Previously to this, Supra—the second foreman—had told me that the Government carts had been over to Boksburg to bring over the men working on that section. When I went for my pay I saw Boksburg men. The Boksburg men are paid at Boksburg. Supra told me this because I had asked him where the carts were, as I was waiting to load them up.

5. I went into town and was present at the meeting. I saw the riot, and the people breaking up the chairs and smashing the furniture.

6. When I saw that there was going to be a row, I got out of the Amphitheatre as quickly as I could and went up town.

7. Had I known what was going to happen at the meeting I should certainly not have come in.

8. As a rule we leave off work about 11 o'clock on Saturdays, but on the 14th instant we left off at 9 o'clock, by order of the foreman (Mr. Louw), who said, that he had

been instructed by Mr .Burger. On questioning Mr. Burger about payment of the fare to town and back, he said that we had better pay it ourselves, and he would see to refunding it later on.

D. J. GOOSEN.

Sworn at Johannesburg this 31st day of January, 1899.
Before me:
J. H. RAINIER,
V.R.

J.

I, James Moore, of Johannesburg, make oath and say:—

I was present at the meeting in the Amphitheatre on Saturday afternoon, the 14th instant, in the company of Mr. Hopton, and was seated in a box near to that occupied by the Committee.

When Mr. Wybergh commenced addressing the meeting, a great deal of hooting and shouting was started, and amongst those who were apparently the ringleaders was a man name Duplessis (a morality detective): there was also a number of officials—who I could again recognise—and who were apparently taking a prominent part in obstructing the meeting.

At about 11 o'clock in the evening I saw a row going on at the corner of President and Joubert Streets, and while quietly looking on, a policeman in uniform, rushing about flourishing a revolver in his hand, suddenly came up to me and placed the revolver close to my head; I was then standing under the verandah of Gordon Mitchell's Store.

In Rissik Street, I saw Commandant Van Dam—whilst in command of a troop of mounted police who were drawn up—address the crowd from his horse. He asked the people to forget the occurrence of the afternoon at the Amphitheatre; at which some of the crowd said "We can't," and there were a few hoots. He then said, "If you hoot the Police you hoot me, and I have force behind me, and I shall employ it."

JAMES MOORE.

Sworn at Johannesburg, this 14th day of February, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

K.

I, Ferdinand Saunders, Electrical Engineer, of Johannesburg, make oath and say:—

On Saturday, the 14th of January, 1899, I was present at the Amphitheatre at the meeting convened by the South African League. I entered the building before the Committee arrived, and took up a position near the side door on the Harrison Street side of the Amphitheatre. Close opposite me was standing Lieutenant Oosthuizen in uniform, and one other Lieutenant of Police in uniform, and also the Drill Instructor of the foot Police, who was in "mufti." Near me also were several other officials, whose names I do not know, but whom I recognised as belonging to the Public Service. The spot where I was standing was just inside the ring, and round about me were a large number of Boers, who had taken up a position extending round the ring to the gallery facing the boxes. There were also a large number of Boers immediately under the Committee Box. They seemed to have taken up all the commanding positions in the Circus. I was joined by a friend of mine, a Mr. Green, of Robey & Co., who called my attention to the fact that the Boers seemed very truculent, and were all more or less armed with sticks. I myself had noticed also that several men in plain clothes were carrying truncheons concealed up their sleeves. Matters were fairly quiet until the Committee appeared, except in the case of one Boer, who stood up in the gallery and made a speech to those in his immediate neighbourhood, in which he drew attention to a number of Uitlanders who were sitting in the ring, and made use of these words, "Wacht en bietje. Ons sal uw doodmaak,"* a statement which was received with great applause. The appearance of the Committee in the box was the signal for the disturbance to commence, and immediately Mr. Wybergh commenced to speak his voice was drowned by the hooting and yelling of the Boers in the building. The noise was so great that it was impossible to hear anything that fell from

* [C.O. NOTE.] "Wait a bit, we'll kill you."

the speakers. A man standing just behind me then asked Lieutenant Oosthuizen to endeavour to stop the noise that was proceeding from a party of Boers in our immediate vicinity. Oosthuizen just looked round at the people of whose conduct this man complained, shrugged his shoulders, and laughed; but so far as I was able to ascertain, declined to interfere; at any rate I saw him make no attempt to stop them. From the demeanour of Oosthuizen, and those with him, I could not help forming the impression that the police, if not actually abetting the disturbance, were, by their actions, encouraging it. Almost immediately after this the Boers rushed the place from the Loveday Street side, right across the ring, and commenced breaking up chairs, and attacking all those whom they came across. I saw them using portions of broken chairs, to which, in many cases, bolts and screws were still adhering, as weapons of attack. I saw many blows struck with them against defenceless men. In one instance I saw a man who had no stick or other weapon in his hand bleeding profusely from a wound in his head. The rush took place from the Loveday Street entrance right across the ring to the Harrison Street side opposite, close past where the police officers in uniform referred to were standing. They then formed up again, and rushed the building—from the Harrison Street side to the Loveday Street entrance. Lieutenant Oosthuizen and the police never attempted in any way to interfere with them, and never addressed, so far as I heard and saw, one word of remonstrance. They stood there laughing and chatting together, and seemed to regard the whole thing as an excellent joke. It would have been the easiest thing in the world had they desired to do so, to have stopped the riot at any time, and arrested the ringleaders. When I got outside, I found that the majority of the crowd had collected in Harrison Street, that is to say, at the side of the Amphitheatre in close proximity to the Police Station. Loveday Street was practically deserted.

The riotous portion of the crowd all seemed to me to be making for the Police Station, and in one or two instances I saw men whom I recognised taking part in the disturbance being shaken hands with warmly by policemen in uniform.

FERDINAND SAUNDERS.

Sworn at Johannesburg this 9th day of March, 1899.
Before me:
Voor mij,
I. T. DE BEER,
V.R.

L.

I, Charles Christain Schmidt, of Johannesburg, make oath and say:—

I was present at the meeting held in the Amphitheatre on the 14th instant.

During the early part of the row, and without any cause or provocation whatever on my part, I was suddenly most viciously assaulted by some half-a-dozen men—apparently policemen, as some of them were wearing uniform trousers. I could recognise one of these men again who I have frequently seen in the uniform of a policeman.

These men were armed with batons and chair-legs with which they inflicted about eight wounds on my head, and which rendered me insensible for a while. When I had sufficiently recovered, I made my way to a place of safety.

C. SCHMIDT.

Sworn at Johannesburg, this 8th day of February, 1899.
Before me:
J. H. RAINIER,
V.R.

M.

I, Robert Blakeney, residing at the Hotel Victoria, Johannesburg, make oath and say:—

I was present at the meeting in the Amphitheatre on Saturday afternoon, the 14th instant.

Before going into the building, I saw a crowd of Boers outside being marshalled by a man, who I am told is named Vorster—and who I could again recognise.

Whilst the meeting was proceeding a row was started by the Boers inside the arena, they smashed the chairs, and one of the Boers threw a table out of the box vacated by the Committee, and which was at once broken up together with a larger table which was being used by the reporters; I thereupon directed the attention of a Police Lieutenant (in uniform)—who I could again recognise, and who had ridden into

the ring on horseback, to the wanton destruction being carried on in his presence; and pointing out one of the men who was breaking a table, I said to the Lieutenant, "Why don't you have that man arrested for damaging property?" He looked round, smiled, and after saying a few words in Dutch to the man, he left the ring whilst the man went on finishing breaking up the table.

I saw a couple of men shouldered and carried around in front of the Charge Office after the meeting had been broken up, and some policemen in uniform assisted in what, from all appearances, they seemed to regard as excellent fun; and during this unseemly operation Commandant Van Dam and a Lieutenant calmly looked on without saying a word of remonstrance.

During the course of Saturday evening I was present when a detective, named Malcolm, told Mr. Lockie "that Vorster had, at the request of the Boksburg Field-Cornet, brought a large number of Boers into Johannesburg, with the distinct purpose of creating a disturbance and preventing the Uitlanders meeting."

R. BLAKENEY.

Sworn at Johannesburg, this 30th day of January, 1899.
Before me:
J. H. RAINIER,
V.R.

N.

I, Corney G. Durham, of Johannesburg, make oath and say:—

I was present at the meeting held in the Amphitheatre, on the 14th instant.

Soon after the Committee vacated their box I saw Lieutenant Oosthuizen enter the arena on horseback, when a number of Boers were breaking chairs, and although he observed what was being done, he apparently did not remonstrate in any way whatever; he then rode towards the north-east door, and on his return, a young Boer, who I could again recognise, went into the box previously occupied by the Committee, and threw the table out, smashing it subsequently on the floor below; whilst this was being done, Lieutenant Oosthuizen drew up his horse and calmly looked on at the wanton destruction still going on without ever saying a single word in protest.

CORNEY G. DURHAM.

Sworn at Johannesburg, this 30th day of January, 1899.
Before me:
J. H. RAINIER,
V.R.

O.

I, Laurence Brown, Journalist, of Johannesburg, make oath and say:—

That on the afternoon of Saturday, the 14th day of January, 1899, I was engaged on reportorial duty by the "Star" newspaper, in connection with the meeting of the South African League at the local Amphitheatre.

Long before the time advertised for the meeting to commence, a large crowd of Boers assembled in the vicinity of the building where the meeting of British subjects was to have been held.

Before the meeting began the Boers rushed in and crowded the structure. The subsequent uproar was great, and I saw Boers deliberately attempting to suppress freedom of speech, by hooting and yelling in order to drown the voices of the speakers.

As an effect of the panic which prevailed inside, there were frequent rushes of the crowd inside through the doors. In this connection free fights took place in the street. I saw two policemen in uniform with caps, not helmets on, fraternising with the rowdy element, and encouraging the Boers by saying "Ja, het is lekker,"* whenever an unfortunate Britisher was being knocked about; the said policemen otherwise remained perfectly passive, and made no effort to restore order.

Although the foot-police barracks were only a stone's-throw distance, no attempt was made to regulate the rowdy mob by sending a strong patrol out.

LAURENCE BROWN.

Sworn at Johannesburg, this 3rd day of March, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

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* [C.O. NOTE.] "Yes, it's nice."

P.

I, T. Boyse, of Johannesburg (Box 2685), make oath and say:—

I was at the meeting in the Amphitheatre on the afternoon of the 14th instant, and was sitting in the ring about ten feet from a man, whom I afterwards learnt was Mr. Boshoff, Registrar of the 2nd Criminal Landdrost's Court.

I watched him while Mr. Wybergh was speaking, and he held his hands to his mouth and shouted "Boo. Chuck him out," and making other unseemly noises.

I make this statement because he has written to the papers saying he tried to quiet the Boers.

THOS. BOYSE.

Sworn in Johannesburg, this 17th day of January, 1899.

Before me:

J. H. RAINIER,
V.R.

Q.

I, Albert Victor James Lockie, a New Zealander, a gentleman owning property in Wellington, New Zealand, at present residing at the Hotel Victoria, Johannesburg, make oath and say:—

I was present at the meeting held in the Amphitheatre on the afternoon of Saturday, the 14th instant.

At about a quarter past three p.m., I saw some 300 to 400 Boers marshalled up under the supervision of a man, whose name I am told was Vorster, and who I could again recognise.

When the doors were opened, I went into the building, and saw the crowd assembled. After a little while, Mr. Wybergh addressed the meeting, but was soon prevented by the hooting and howling of the Boers. I saw the first fight started in the building, and which was commenced by a Boer, this was immediately followed by a rush of Boers from all around, where they had been seated, into the arena, where they started smashing chairs to use as implements of offence, and being organized and in the majority, they had little trouble in clearing the arena of Uitlanders, who in fact made no attempt to resist their unprovoked attack.

I then went outside the building and saw a crowd of Boers parading the street, challenging all and sundry "Rooineks" to fight, and they were distinctly applauded and cheered on by the police in uniform, some of whom patted on the back, and also clapped their hands, seemingly very delighted at the whole proceedings.

After watching the riot for about half-an-hour, I walked away down Bree Street, and met Detective Malcolm, who told me that the Boers at the meeting were organized mostly from the Boksburg District, and that their expenses were paid into Johanesburg and back by the Field-Cornet of Boksburg, and that they were supplied with free drinks whilst in Johannesburg. He subsequently confirmed this statement in the evening in the presence of Mr. R. Blakeney, adding that the Boers were sent into Johannesburg under the command of the aforementioned man, Vorster.

During the course of the afternoon's proceedings, I saw Commandent Van Dam quietly sitting on his horse, absolutely indifferent to the unprovoked breaches of the peace committed by his fellow-burghers of the Transvaal.

I also saw Captain Shiel riding through the crowd and equally indifferent as to the proceedings being carried on.

I also saw several men (described to me as police and other officials) being carried shoulder-high by the Boers.

ALBERT V. J. LOCKIE.

Sworn at Johannesburg, this 15th day of February, 1899.

Before me:

Voor mij,
J. H. RAINIER,
V.R.

R.

I, Charles Alfred Hopton, an electrical engineer, of Johannesburg, make oath and say:—

I was present at the meeting in the Amphitheatre on Saturday afternoon, the 14th instant, being seated in a box situated two boxes to the left of that occupied by the Committee.

Immediately Mr. Wybergh commenced speaking, continual hooting and shouting started, and amongst those who were evidently the ringleaders were Duplessis (a morality detective) and many other officials, whose names I don't know, but who I could easily recognise again.

When the row was started I saw Duplessis assisting the Boers in breaking the chairs. Whilst this was going on Lieutenant Oosterhuizen rode into the arena, looked on at the wanton destruction, smiled, and without apparently saying a word in protest, rode out.

I saw several Englishmen knocked down and otherwise brutally assaulted by the Boers, who were mostly armed with sticks, and in many instances they continued striking men with sticks and chair-legs, even after they had been felled to the ground, besides which, this assault by the Boers was absolutely unprovoked.

Between nine and ten o'clock the same night I saw about a dozen policemen, armed with rifles and fixed bayonets, charge a crowd of people standing in the street outside the Charge Office, for what reason it is difficult to imagine, as nothing was being done to give offence: a few minutes later a squadron of cavalry rode down from the direction of the barracks, and turning the corner leading to the Charge Office, they charged into the people drawing their swords.

At about 11 o'clock, I saw a policeman in uniform hold a revolver close to Mr. James Moore's head. Mr. Moore was standing a few feet away from me, and was not interfering with the police, or causing any disturbance whatever.

CHAS. A. HOPTON.

Sworn at Johannesburg, this 14th day of February, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

S.

I, Alfred Law Palmer, of Johannesburg, (Box 79), make oath and say:—

I was present at the meeting at the Amphitheatre on the 14th instant. I was sitting to the left of the reporters' table, facing the platform, amongst a number of men of decidedly Boer proclivities.

Prior to the commencement of the meeting these men were groaning and shouting at anyone entering who looked like a Britisher. I asked them to keep order, and to wait for their shouting until the speaking had begun, and then express their approval or disapproval of what was said.

As soon as the meeting was opened, Mr. Wybergh, the first speaker, was constantly interrupted and rendered inaudible by the singing of the Volkslied, the voice most prominent to me being that of Mr. Cornelius Broeksma, Third Public Prosecutor. This gentleman took a very active part in the disturbance, and was very much excited.

A short time after the disturbance got serious, and on looking around to the exits, I found that an organised body of men armed with short clubs, were clearing the building. These men were all Dutch.

ALFRED LAW PALMER.

Sworn at Johannesburg, this 17th day of January, 1899.
Before me:
H. J. MORKEL,
V.R.

T.

I, S. Vaisey, of Johannesburg, make oath and say:—

I was present at the meeting in the Amphitheatre on Saturday, 14th instant. I got into the street immediately after the row, and saw the police walking arm-in-arm with the rioters. They were very sympathetic with the rioters, and their officers made no attempt to control their men.

S. VAISEY.

Sworn at Johannesburg, this 16th day of January, 1899.
Before me:,
Voor mij,
J. H. RAINIER,
V.R.

U.

I, H. W. Rowe, of 93, Pritchard Street, make oath and say:—I was at the meeting in the Amphitheatre on Saturday, 14th instant, and sat in the third row behind the reporters. I was there early. I saw the Dutch party come in, and noticed that many of them were policemen in plain clothes. They appeared to have proper organisation, and to be under leaders.

About 4.30, there was a rush towards where I was sitting, chairs were thrown, and in the rush I was struck on the head by a truncheon, and my neighbour was hit on the face: his cheek was cut. I tried to save my neighbour from being pulled into the crowd, but was dragged into the melee myself, when I was repeatedly struck by truncheons and sticks. I was borne to the ground and was struck by truncheons and chairs. I heard someone say "Slaan de bogger dood."*

I remember no more until I was coming out of the main entrance, when a big body of plain clothes policemen charged me with truncheons saying "Hier is de bogger, maak him dood."† I then defended myself, and hit a policeman as he was aiming a blow with his truncheon. I then turned about and went through the circus again, eventually escaping by a cab, and going to a doctor.

One of the men, apparently a policeman, put his handkerchief through the sling of his truncheon in order to reach me.

H. W. ROWE.

Sworn at Johannesburg, this 16th day of January, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

V.

I, Walter Charles Sparrow, of Beaufort Street, Troyeville, make oath and say:—

I was at the meeting in the Ampitheatre on the 14th instant, and after the row while the chairs were being piled in the ring, I was in the gallery looking on, when without a word of warning, six policemen who were behind us shouted "clear out," and as we looked round they struck us with chair legs and batons.

I knew they were police because one was wearing uniform trousers. Two I can recognise while one other I know to be a policeman, having seen him in uniform.

They used their batons in police style and thrashed us about the head till we were nearly senseless; we then made our escape.

WALTER CHARLES SPARROW.

Sworn at Johannesburg, this 18th day of January, 1899.
Before me:
Voor mij,
J. H. RAINIER,
V.R.

[C.O. NOTES.] * "Kill the ———."
† "Here is the ———, kill him."

W.

I, Frederick Rowland, make oath and say:—

I am a Secretary, residing in Sivewright Avenue, New Doornfontein. On Saturday evening, the 14th instant, between the hour of 8.30 and 9.30, noticing a big crowd at the lower end of Harrison Street, near the Charge Office, I, in company with a friend —Mr. Currie—went in that direction. Outside the Charge Office were a number of mounted police, a few foot police in uniform, and a large number of men—apparently Boers—making a great noise. After a little while a number of the Boers, a part of whom were armed with sticks, went up to Harrison Street in the direction of Market Square, followed by a detachment of mounted police, evidently to protect them. A number of the Dutchmen remained behind, two of them being particularly aggressive, calling upon all and sundry sanguinary Englishmen to clear away from the neighbourhood, and to get out of the Transvaal as they—the Englishmen—were not wanted. At the corners of Harrison and Bree Streets there were people standing about in little groups watching the row, and the ringleader, accompanied by his friends, went all round pushing the people about, and ordering them to "clear away." Several of the foot police in uniform went round with them, but made no attempt to prevent the disorder made by the ringleader and his friends; they were apparently friends of the people composing the noisy Dutch crowd. At the north side corner I saw the ringleader knock down a peaceful man who was standing by himself. After this he and his men came into the middle of the road cursing Englishmen in most violent language. He and two others, cursing and swearing, and followed by two foot police in uniform, then went towards the back of the circus where there was a small group of people standing quietly looking on. After pushing these people about, they went along Bree Street a little further where two men were standing quietly a little distance apart. They—the ringleader and his two friends—yelled out to them to clear out, and immediately, giving them no time to move, setting upon them, knocking one man down twice, and brutally assaulting him. The man got up the second time apparently with difficulty, and walked slowly towards Rissik Street, the assaulting body going back to the corner, creating a big noise all the while. I went up to the man who had been assaulted, and found that his face was streaming with blood, and after getting his name and address, went back to the Charge Office with the object of making an affidavit on the matter. A detachment of mounted police, under the command of a lieutenant, were standing outside, and I asked him if he could obtain the name of the ringleader for me, stating at the same time for what purpose I needed it. After a slight hesitation, he turned his horse towards the crowd, and, going nearer, I pointed out the ringleader who had been most energetic in knocking people about, and who had committed the brutal assault before mentioned. The mounted police lieutenant informed me that he (the ringleader) was Lieutenant Murphy. After expressing my astonishment at leading police officials behaving in such an outrageous manner, I turned to go, but was surrounded by the crowd, Lieutenant Murphy being brought forward to look at me. The crowd behaved in a threatening manner, and I had to call twice upon the mounted police lieutenant, whose name I do not know, but whom I can identify, for protection. He told me to get away as soon as I could, as he could not be held responsible for the actions of the crowd (the crowd referred to being the one of which Lieutenant Murphy was the ringleader).

I went back, and found the man Maniker leaning in an exhausted state against a wall, and took him to Dr. Rogers, who examined and prescribed for him.

FREDK. ROWLAND.

Sworn at Johannesburg, this 16th day of January, 1899.
Before me:
J. H. RAINIER,
V.R.

I, Donald Currie, make oath and say:—

I have read the foregoing statement, and can, from personal observation, corroborate every assertion made.

DONALD CURRIE.

Sworn at Johannesburg, this 16th day of January, 1899.
Before me:
H. J. MORKEL,
V.R.

X.

I, George Baker, of 2, Wanderer's Chambers, make oath and say:—

I went to the Amphitheatre, on Saturday, 14th instant, for the purpose (at the request of Mr. Wybergh) of opening the doors.

I found numerous Boers congregated in the front of the building asking people whether they were Uitlanders or Boers. I saw a Dutchman go up to a man (who told me that his name was Captain Barry) and strike him in the face with his fist.

The front door was, I believe, forced in, as only the side doors were opened by myself.

One man, named Palm (a Boer), from Pretoria, was continually interrupting the meeting.

GEO. T. BAKER.

Sworn at Johannesburg this Sixteenth day of January, 1898.

Before me:

Voor mij,

J. H. RAINIER,
V.R.

Y.

I, John Livingstone, Editor and Proprietor of the African Sketch, of Johannesburg, make oath and say:—

I was present at the meeting, called by the South African League, of British subjects, held in the Amphitheatre on Saturday afternoon, the 14th January, 1899.

I am not a member of the South African League. I went there merely as a British subject.

Shortly after the meeting was started, a disturbance was commenced by the Boers who were present in large numbers. I was struck by one of the Boers, without absolutely any reason, on my right arm, and was with the rush pushed out of the building. Outside, I spoke to Lieutenant Oosterhuizen, and asked him if he could not stop the riot going on inside. His reply was "That he had no instructions." Shortly after this Oosterhuizen rode into the building, and was cheered by the people who were creating the disturbance, all of whom were Boers, mixed up with policemen in plain clothes. Several of these policemen, whose names I do not know, are quite familiar to me, and I can swear that they are policemen.

I saw the Boers deliberately and wilfully smashing chairs in the building, and the police—some of whom were in uniform—calmly looking on without attempting in any way whatever to stop the disturbance.

JOHN LIVINGSTONE.

Sworn at Johannesburg, this 4th day of February, 1899.

Before me:

Voor mij,

J. H. RAINIER,
V.R.

Z.

I, Peter Burness, of Johannesburg, make oath and say:—

I was present at the meeting in the Amphitheatre on Saturday afternoon the 14th January, 1899, as a newspaper reporter. Before the doors were opened a large mob of Boers assembled outside. As soon as the meeting was opened a great disturbance commenced. While Mr. Dunn was speaking an attempt was made to storm the ladies' box, which did not succeed. A sergeant of police, in plain clothes, was one of the leaders of this attempt. I saw Mr. Broeksma in the body of the hall. I then went into the street. I saw Commandant Van Dam on horseback, in uniform, and told him that I feared murder was being done inside, and asked him to stop it, and called his attention to the behaviour of his men. He heard me, but did not take any notice of my request, beyond smiling. When the riot was nearly over, Van Dam got off his horse and walked in, followed by Lieutenant Oosthuizen and Lieutenant Mare, on horseback and in uniform. Inside were three more: Lieutenant Murphy, Lieutenant Pohlman, and Lieutenant Muller. Murphy and Muller were in plain clothes, and were carried

shoulder-high by the rioters. Van Dam looked on with approval, and did not try to stop it. After the Committee had left, Mr. Boshof, the registrar of the Second Criminal Court, spoke to the mob and said: "You have done your duty very well, you can go home now," or words to that effect.

I followed Commandant Van Dam into the building, and saw Mr. Lageson there.

P. BURNESS.

Sworn at Johannesburg, this 2nd day of February, 1899.

Before me:

Voor mij,

J. H. RAINIER,
V.R.

A[1]

I, Amelia Bennet, wife of Richard R. Bennet, make oath and say:—

I am an insurance agent, residing in Johannesburg.

A few days after the date of the meeting, which was held in the Amphitheatre on the 14th instant, I called at the office of Mr. C. A. Lageson, the Burgher member for Ward Number 7, in the Johannesburg Town Council; and during the course of a conversation I had with that gentleman, I asked him "how it came about that his name was so prominently mentioned in connection with the disgraceful riot which took place on the previous Saturday afternoon?" He first asked if I was present, to which I replied that fortunately I was not, but that my husband, who was, had told me all about it. Mr. Lageson then said "that if those women had not left the boxes so promptly, they would have had every strip of clothing torn from them, as he had sent half-a-dozen men up to the boxes for the express purpose of stripping them stark naked, but they flew like rats to their holes." He then became so positively insulting in his language towards the Queen and the Uitlander population generally, and his language became so extremely choice, that I deemed it best to hurriedly leave his office.

AMELIA T. BENNET.

Sworn at Johannesburg, this 28th day of February, 1899.

Before me:

Voor mij,

J. H. RAINIER,
V.R.

B[1]

I, Katharine Emily Wybergh, of Johannesburg, make oath and say:—

I was present at the meeting at the Amphitheatre on January 14th, 1899, in a box immediately on the left of that occupied by the Committee of the South African League, and I witnessed the greater part of the riot which then took place. A small body of Boers attempted to storm the box in which I, with three other women were seated. When they were hindered in this design by others in the crowd, they began abusing us individually and using foul language, and one of them threw a straw hat edgeways into the box, which struck one of the women with me on the side of the face. I could recognize again several of the evident ringleaders, though I do not know their names, and from my raised position I could see that the Boer portion of the crowd was organised, and that constant signals were being made and followed.

KATHARINE EMILY WYBERGH.

Sworn at Johannesburg, before me (voor mij), this 21st day of March, 1899.

J. H. RAINIER,
V.R.

No. 55.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 8, 1899.)

TELEGRAM.

[*Answered by No.* 58.]

8th May.—Mrs. Applebee, British subject, wife of Wesleyan Minister at Johannesburg, was attacked, together with Mr. Wilson, another minister, by a gang of men, 28th April. Lady is dead, Wilson recovering, no arrests so far. British Agent in South African Republic reports there can be little doubt that outrage is act of deliberate revenge on the part of liquor dealers for efforts made by these ministers to expose their nefarious trade.

No. 56.

WESLEYAN MISSIONARY SOCIETY to COLONIAL OFFICE.

(Received May 9, 1899.)

[*Answered by No.* 59.]

Wesleyan Mission House,

SIR, Bishopsgate Street Within, London, May 8, 1899.

ON behalf of the Wesleyan Missionary Society I beg to bring under your notice the following most distressing occurrence.

On Friday, April 28th, Mrs. Appelbe the wife of the Rev. R. F. Appelbe, Wesleyan Missionary, residing at Fordsburg, Johannesburg, in the South African Republic, was going to church when she was set upon by some miscreants, European or native is not yet clearly known, but probably native, and so brutally treated that she died from her injuries on the Tuesday following. Mrs. Appelbe was the daughter of John Holder, Esq., J.P., of Folkestone, and her terrible death has not only caused sorrow and misery to her husband and friends, but has also caused alarm and indignation throughout our church in the Transvaal and in this country. A correspondent, recently returned from Johannesburg, and who has lived there some time, declares that the Boer policemen and officials are useless for the purposes of detection and punishment of crime. Under these circumstances, and for protection of our missionaries and their families, I have the honour to request, respectfully and earnestly, that instructions may be given to the Representative of Great Britain in the South African Republic to make rigorous and searching inquiry into this terrible and most painful case.

I have, &c.,
WILLIAM PERKINS,
Secretary,
Wesleyan Missionary Society.

No. 57.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.5 p.m., May 10, 1899.)

TELEGRAM.

10th May. Referring to my telegram of 8th May* at public meeting of clergy of various denominations at Johannesburg yesterday strong resolution passed respecting frequent outrages arising from persistent violation of liquor laws, censuring police and licensing board and deploring facilities granted for illicit liquor traffic.

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* No. 55.

No. 58.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.30 a.m., May 15, 1899.)

TELEGRAM.

[*Answered by No.* 61.]

May 15.—Your telegram of 8th May.* Inform British Agent in South African Republic that he should send full report, and ascertain what steps are being taken to bring perpetrators to justice.

No. 59.

COLONIAL OFFICE to WESLEYAN MISSIONARY SOCIETY.

SIR, Downing Street, May 15, 1899.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 8th inst.,† regarding the death of Mrs. Applebee at Johannesburg, and to transmit to you a copy of a telegram* on the subject received on the same date from the High Commissioner for South Africa.

I am to inform you that Sir Alfred Milner has been requested by telegraph to obtain a full report on the case from the British Agent at Pretoria, and to ascertain what steps are being taken to bring the perpetrators of the outrage to justice.

I am, &c.,
FRED. GRAHAM.

No. 60.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent, 5.45 p.m., May 17, 1899.)

TELEGRAM.

17th May. Referring to your despatch, 5th April,‡ British Agent in South African Republic should communicate affidavits to Government of South African Republic without remark, referring to correspondence, Fraser's letter 11th February, and Reitz's letter 3rd March. Inform Wybergh that representation had already been made, and communicate substance of last two paragraphs of reply of South African Republic Government, 3rd March; say that affidavits have been now brought to their notice, and that it is to be regretted that no steps have been taken by aggrieved parties to prosecute ringleaders of riot especially Broeksma, Malan, and Murphy.

No. 61.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.45 p.m., May 18, 1899.)

TELEGRAM.

18th May. Referring to your telegram of 15th May§ £500 reward offered by Government. Police force increased by 200 men. South African Republic State Secretary informed British Agent no result from offer of reward and obtained no clue, though ablest detectives employed.

According to evidence crime committed by natives, or whites disguised as such, and State Secretary South African Republic considers it is unconnected with liquor people, though he admits that this is open question. Despatches by last mail and by next mail but no further information.

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* No. 55. † No. 56. ‡ No. 54. § No. 58.

No. 62.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN

(Received May 27, 1899.)

Government House, Cape Town,
May 10, 1899.

Sir,

With reference to my telegram of to-day's date,* respecting the outrage upon Mr. Wilson and Mrs. Applebe, I have the honour to transmit to you copies of the telegrams and despatch noted in the margin from Her Majesty's Agent at Pretoria.

Telegram, 4/5 99.
" 4/5 99.
Despatch, 4/5/99.

You will find some remarks by Mr. Fraser on the subject of the illicit liquor traffic in the enclosure to my despatch of the 26th November last,† and the accompanying extract from an address delivered by M. Rouliot, President of the Chamber of Mines, at the Annual General Meeting of the Chamber on the 26th January last, gives some interesting information on the point.

From all that I have been able to gather on the subject, I understand that the business is conducted by a syndicate commanding powerful influences and great resources. Though the names of many of the principals are an open secret, no effectual steps have been taken to bring them to justice, while as regards the intermediaries in the trade—largely composed of the lowest classes of Continental Jews—neither fine nor imprisonment have any terrors for them. In the comparatively few cases where they are caught, their employers can well afford to indemnify them out of the enormous profits realised.

The loss to the mines through this infamous trade is a small matter compared with the demoralisation to the natives—so many of whom are British subjects—and the consequent danger to the white communities among whom they may be living when no longer at the mines. It would now seem that the dealers do not even shrink from assassination in order to stifle exposure ; and I trust that this latest outrage may serve to focus public attention on their iniquitous proceedings.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 62.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

May 4th.—Mrs. Appelbe, a British subject, wife of the Wesleyan Minister at Fordsburg, Johannesburg, and daughter of Mr. John Holden, J.P., of Folkestone, who was murderously assaulted by a gang of men on Friday at Langlaagte, died yesterday. Mr. Wilson, who was with Mrs. Appelbe at the time, is recovering. No arrests have been made.

Enclosure 2 in No. 62.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

4th May.—The outrage reported in my telegram of to-day is attributed to the attitude of protest openly taken up by Messrs. Wilson and Applebe against the illicit drink traffic ; it is regarded as a deliberate act of revenge on the part of dealers in drink for the revelations recently made in the newspapers shewing up the scandal.

I understand that the matter will be warmly taken up in Johannesburg, and that cables explaining the matter have already been sent to England.

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* No. 57. † No. 7.

Enclosure 3 in No. 62.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
May 4, 1899.

SIR,

WITH reference to my telegram of to-day, on the subject of the murder of Mrs. Applebe, a British subject, the wife of the Wesleyan minister of Fordsburg, a suburb of Johannesburg, I have the honour to give the following account of the crime as far as the circumstances are at present known.

Mrs. Applebe was proceeding to choir practice at her husband's church on Friday evening last, in company with Mr. Wilson, a chemist of Fordsburg, when they were suddenly attacked by a gang of men, Mr. Wilson being felled by a heavy blow on the head, and Mrs. Applebe struck down immediately afterwards. Both victims were rendered insensible, and were subsequently removed to the hospital, where Mrs. Applebe died yesterday, but Mr. Wilson is reported to be recovering. It appears, from the accounts published in the newspapers, that a man named Knott, who lived close to the scene of the outrage, saw a white man running away, and that it is probable that the latter was assisted by Kaffirs, as footprints of bare feet were found in the sand next morning. No arrests have so far been made, and the indignation of the public is naturally excited at the failure of the police, after the lapse of all but a week, to find any clue to the perpetrators of the crime. I see that it is proposed in the newspapers that a Vigilance Committee should be formed, and strenuous efforts are being made by private enterprise to bring the criminals to justice.

Meanwhile, I may inform Your Excellency that there appears to be little doubt that the crime is to be attributed to a deliberate determination on the part of the illicit liquor dealers to revenge themselves on Mr. Applebe and Mr. Wilson for the bold opposition they have displayed to this nefarious trade. The "Transvaal Leader" newspaper has during the last few days initiated a crusade against this terrible scandal, and has mercilessly exposed the dealers connected with the traffic and the detectives who connive at it, and it is generally supposed that either Mr. Applebe or Mr. Wilson, or both gentlemen, were suspected of having furnished information to the newspaper in question. However that may be, I am informed by the Rev. James Gray, the Presbyterian clergyman of Pretoria, and a nine years' resident in this place, that both Mr. Applebe and Mr. Wilson were marked men in consequence of their fearless utterances, both in the pulpit and in public, on the subject of the drink scandal, and that he has no doubt that the outrage, on Mr. Wilson at any rate, was in pursuance of a deliberate scheme of revenge.

In conclusion, I would call Your Excellency's attention to the accompanying leading articles* from even the Government organs, the "Press" and the "Standard and Diggers' News," the former of which says "that such an assault should be possible on the high road in the dusk of the evening plainly demonstrates the state of lawlessness that prevails on the Rand, and, coupled with the revelations of illicit liquor dealing, gives proof positive and irrefutable that the present police and detective administration of the Rand is futile for the preservation of law and order, and for the public safety." The latter journal says "the practical lesson to be learnt from the outrage is the necessity for efficient police patrolling. It is a Government duty to see to the protection of the people."

"Press," May 5, 1899.
"Standard and Diggers' News," May 4, 1899.

I have &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Enclosure 4 in No. 62.

EXTRACT FROM ADDRESS.

The present Liquor Law has been maintained, in spite of the numerous attempts made to influence the Raad to modify it. As far as the law itself is concerned, we consider it sound, and conceived with a view to protect the native against the demoralisation brought upon him by the abuse of alcohol. Unfortunately the application is far from being satisfactory, liquor is being sold illicitly in enormous quantities.

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* Not printed.

and it would appear that for one reason or another the authorities are unable to effectively cope with this illicit traffic. One of the main reasons for our shortness of labour is attributable to the facilities given to the natives to obtain drink, and it is unquestionable that if better application of the law were made we would obtain a much greater efficiency from our natives, and many accidents would be avoided. We have a proof of the beneficial effect that the law would have, if properly enforced, in the fact that in certain parts of the Rand, where the mines are in closer proximity to the police, where supervision is more easily exercised, drunkenness is less prevalent than before, and disturbance of the peace of less frequent occurrence, whereas in outlying districts disgraceful scenes are to be witnessed at the end of every week round the places where liquor is to be obtained, fights and riots frequently take place, with the result that every Monday morning a very large percentage of natives is incapacitated from work. How can managers control their boys, when the mines are surrounded by canteens, so-called hotels, and Kaffir eating-houses, where drink is supplied in unlimited quantities, without mentioning the trade done by pedlars, who at night travel round the compounds with cart-loads of alcoholic poison? It is no wonder that they can get discouraged at the failure of their constant efforts to bring about a better state of things. At every sitting of the Licensing Board they object to the granting of numerous licences, but very rarely are they successful in their opposition, and even in the worst cases, when the Licensing Board consider it impossible in the face of the evidence produced to sanction the continuation of the trade in certain places, by applying direct to Pretoria, the canteen-keeper sometimes got in the past his licence restored over the head of the Board.

Thanks to the efforts of the present State Attorney, an end has been put to such practice; but still, if the Pretoria authorities would come and see themselves what takes place in certain portions of the Rand, they would witness the demoralization of the natives worked by the poison they are able to obtain, and I feel sure that they would do their utmost to better enforce the present law, as they would get convinced that such a state of things is a disgrace to any civilised nation.

By the returns which we publish monthly, being furnished to us by the Detective Department, you can see that a certain amount of good work is done, but bearing in mind what still takes place, it is clear that a great deal more ought to be done. We all know of the organisation of the liquor gang, we know the immense nefarious influence which they unfortunately possess, and the large resources at their disposal, and we know what enormous profits they make; we must therefore be prepared for further attempts to have the present law modified.

No. 63.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 2, 1899.)

SIR, Government House, Cape Town, May 16, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch of the 10th instant,* a copy of a telegram and despatch from Her Majesty's Agent.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 63.

From HER MAJESTY'S AGENT, Pretoria, to The HIGH COMMISSIONER, Cape Town.

TELEGRAM.

11th May. At a meeting held yesterday at Johannesburg by Chamber of Mines, Chamber of Commerce, Associations of Mine Managers and Town Council, under Chairmanship of President of Chamber of Mines, resolutions were carried deploring the maladministration of Liquor Law, urging necessary remedial measures, and advocating establishment of a Local Board to administer law assisted by an efficient body of special police.—GREENE.

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* No. 62.

Enclosure 2 in No. 63.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, May 12, 1899.

WITH reference to my telegrams of the 10th and 11th instant, I have the honour to transmit to Your Excellency herewith duplicate copies of the "Transvaal Leader*" for the 10th and 11th of May, reporting the proceedings at the meetings of the clergy on the 9th and of the Chamber of Mines, the Chamber of Commerce, the Association of Mine Managers and the Town Council on the 10th instant, when unanimous resolutions were carried condemning the administration of the Liquor Law.

I may add that the Government have offered a reward of £500 for information as to the murderers of Mrs. Applebe, whose death, as Your Excellency is aware from my despatch of the 4th instant, is attributed to the animosity of the illicit liquor sellers. No clue has as yet been obtained by the Police, but the force has just been supplemented by 200 men in order to attempt to grapple more successfully with this terrible scandal.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commisioner,
Cape Town.

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* Not printed.

SECTION VI.—THE POLITICAL SITUATION.

No. 64.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received March 20, 1899.)

SIR, Government House, Cape Town, March 1, 1899.

I HAVE the honour to transmit to you, for your information, an extract from the "Cape Times" of the 22nd ultimo, with reference to the suggestion for a combined movement among the Dutch population of South Africa in favour of the South African Republic.

I send this extract as indicating views which I find are being expressed, more or less openly, in a certain section of the Press, both in this Colony and in the Transvaal.

I have, &c.,

A. MILNER.

Governor and High Commissioner.

Enclosure in No. 64.

"CAPE TIMES," WEDNESDAY, FEBRUARY 22, 1899.

CURIOUS MOVEMENT.

PROPOSED NATIONAL UNION.

TO SUPPORT THE TRANSVAAL.

A remarkable movement is observable amongst the extreme anti-British organs in the Colony and the Transvaal, having for its object the active support of the Transvaa in its defiance of the Imperial Government. The crusade appears to have had its genesis in the following letter to the "Stellalander," published at Vryburg :

The "Cape Times" has just drawn up a programme of active work for the League. It is high time that the Afrikanders of English as well as of Dutch descent should no longer act merely on the defensive, but also on the offensive, and that organisations like the Afrikander Bond, the Nationale Vereeniging of Johannesburg, &c., should be established with a programme, actively to be carried out, on the following lines :—

(*a*) That the Transvaal has the right to demand that it should be placed with regard to its connection to British rule in exactly the same position as it was previous to the unfortunate annexation.

(*b*) That it has the right to demand that Mr. Chamberlain should withdraw his unjustifiable and presumptuous claims of suzerainty.

(*c*) That it has the right to refer all disputed questions to arbitration, even while the London Convention remains in force.

(*d*) That it be no longer threatened and insulted by British troops being stationed on its frontiers, and

(*e*) That so long as the above demands are not acceded to unconditionally, nobody must expect it to take any notice of complaints by British subjects resident in the Transvaal.

The letter, which is signed "Afrikanus," concludes as follows : These demands must be put forth energetically, and if the British Government pays no heed, then the advisability must be discussed of boycotting all English ships, English merchants, banks, assurance companies, &c.

THE "RAND POST" ON THE ABOVE.

The above letter also appears in the "Rand Post," and the editor remarks, after sketching, from his point of view, the policy of England : "In the coming struggle the moral support of all Afrikanders is worth much. Let Afrikanders consequently set all trivial differences aside, let them stop speaking about small, generally individual, grievances against the Transvaal Government, and let them band themselves together in every village in the Transvaal and the Orange Free State, in the Cape Colony, and in the Dutch districts of Natal, and establish a bond or union, the only and sole item of whose programme must be 'Right for the Transvaal.'" The suggestion of boycotting

English trade in all its branches is warmly supported. "No gold-fields," it proceeds, "to the value of millions must in future be allotted to English companies, but must be exploited by the State itself for the benefit of the Afrikanders; there should be no free and private townships then, but only villages on Government stands; no free importations, but gradually more and more judicious support given to local industries; a cable service of our own, and no longer £100,000 paid annually for cables over the English cables; our own line of steamers, and no longer the Donald Currie money-making concern. In this manner we will retaliate in such an effective manner that the British Government will probably give in. This policy recommends itself, and every inhabitant of South Africa can support it by word and deed. In anticipation of the time when the struggle must be decided by force of arms, the above is the best policy during the time of peace."

No. 65.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received April 8, 1899.)

(Extract.)

Government House, Cape Town, March 22, 1899.

In another despatch* I am sending the latest information which has reached me about the negotiations between the Government of the South African Republic and certain leading men at Johannesburg. It is probable that the result of those negotiations will be known before this despatch reaches you. It would be therefore waste of time to dwell upon the chances of success or failure. But there are one or two facts which have been brought out strongly in the negotiations to which I desire to call attention, as they are of importance quite apart from the outcome of the present proceedings.

The facts in question all relate to the attitude of the Uitlander leaders. It is noticeable that up to the present time their action has been characterized by considerable unanimity. Though the advances made by the Government were at first confined to two or three persons, all that is going on is now known to a much larger number, and these include such widely diverse elements as the President of the Chamber of Mines (a Frenchman with no political bias), and the President and Secretary of the South African League. But though thus drawn from very various sections of the community, the Rand representatives have so far stood well together. Divisions may no doubt arise later on, but it is at least worthy of notice that at the outset and in face of an offer which from the purely commercial and money making point of view was very tempting, a heterogeneous body of Uitlanders have taken their stand on the necessity of genuine political reforms. It is on the Franchise question that the negotiations are most likely to break down, unless the Government is prepared very considerably to better its present offer.

In view of the assertion so constantly made that the bulk of the Uitlanders are a mere crowd of money grabbers, who do not care about political rights or even their personal dignity as long as they can fill their purses with sufficient rapidity, I think the circumstances to which I have called attention are worth remembering.

Another point greatly to the credit of the Uitlander leaders, is that they are seeking to bargain, not for themselves alone, but for the whole community, and insist that any terms to which they might provisionally agree should be submitted to the approval of a public meeting.

Lastly, I think it worth notice that the Rand representatives, though including men like the President and Secretary of the League, who are often represented as violent and extreme men, aiming at nothing but the encouragement of disaffection, are meeting the Government in a fair spirit and certainly not putting forward any unreasonable demands. That many of them should be suspicious of the Government after so many years of fair promises followed by no performance is perfectly natural. That they should insist on the reforms offered being substantial reforms is clearly right and necessary. But there is absolutely nothing in the position which they have adopted at which the Government, if really desirous of "making peace" with the Uitlanders, can reasonably take offence.

All this appears to me very creditable to a body of people whose true character and objects are still very much misunderstood at home, as they are habitually mis-

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* Not printed, but see No. 81.

represented by the pro-Boer Press of South Africa, with its wearisome denunciation of "capitalism" on the one hand and "political mischief makers" (meaning the League) on the other. I have yet to learn that the League aims at anything more that the reasonably fair treatment of the non-Boer resident population in the Transvaal. And as for the leading financial and commercial men of the Rand, I do not think they can, in this instance, be accused of any want of public spirit.

In this connection I would call attention to another despatch,* going home by this mail, which contains an account of the effort at present being made to provide education for the children of the poorer classes of the Uitlander community.

The richer section of the community have not confined themselves to barren complaints. Having already paid to the State their share of the large amount devoted to popular education, but by which Uitlander children are not allowed to benefit, they are now paying again out of their own pockets for the education of those children.

A sum of nearly £100,000 has already been subscribed by local firms to start the scheme, and it is stated that a contribution of no less than £15,000 a-year is assured from the Mining Companies.

As almost all the resident Uitlanders are well enough off to pay something towards the education of their children, this liberal contribution ought to go a long way to ensuring the establishment and maintenance of schools in which, while the State language is taught as it should be taught, that language will not be forcibly made the medium of instruction to the children to the exclusion of their mother tongue.

No. 66.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 14, 1899.)

[*Answered by No.* 83.]

Government House, Cape Town,
March 28, 1899.

SIR,

I HAVE the honour to transmit to you a copy of a despatch from Her Majesty's Agent at Pretoria, enclosing a petition to Her Majesty the Queen purporting to be signed by 21,684 British subjects at Johannesburg. As regards the document, I am, of course, not able to vouch for its complete genuineness. I have examined it as best I could in the time at my disposal, and, as far as such examination enables me to judge, the vast majority of the signatures have every appearance of being *bona fide*. I have not been able to detect any duplicates, though it is almost incredible that in a roll of this magnitude, consisting of hundreds of sheet pasted together, a certain number of duplicates should not occur.

Some of the names appearing on the lists are those of women; a large number—positively large, though relatively inconsiderable—are evidently those of coloured people—the latter being frequently represented by a mark. But the great bulk of the signatures appear to be those of white men bearing well-known British, Colonial-Dutch, or foreign names, though the first category (British) enormously predominates. I should say, at a rough guess, that at least three-fourths of the total signatures were those of *men* of pure European race. Of these a large number, to judge from the hand-writing, are well educated, though a still larger number seem to belong to the lower-middle, or working class.

Of the ladies and gentlemen attesting by affidavits the genuineness of the different sheets several are known to me by name and reputation, and I have no reason whatever to doubt the *bona fides* of any of the affidavits. At the same time it is difficult to trace in every instance the numbers of the sheets to which particular affidavits refer, and in any case the affidavits do not cover anything like all the sheets, of which the petition is composed.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

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* No. 25.

Enclosure in No. 66.

From HER MAJESTY'S AGENT, Pretoria, to THE HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria.
March 24, 1899.

SIR,

I HAVE the honour to transmit to Your Excellency herewith, for such action as you may see fit to take thereupon, a letter which I have received from the President of the South African League (Transvaal Province) forwarding a sealed packet containing a Petition, signed by twenty-one thousand six hundred and eighty-four (21,684) British subjects, resident on the Witwatersrand, addressed to Her Majesty the Queen.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

47, Bettelheim Buildings, Johannesburg.

To W. CONYNGHAM GREENE, ESQ., H.B.M. Agent, Pretoria, S. A. Republic.

SIR,

I HAVE the honour to transmit to you herewith a sealed packet containing a Petition, signed by 21,684 British subjects, resident on the Witwatersrand, addressed to Her Majesty Queen Victoria, and to request you to be good enough to cause it to be conveyed to its destination through His Excellency the High Commissioner.

I have, &c.,
W. WYBERGH,
President of the South African League,
Transvaal Province.
Specimen of seal is attached.
(L.S.)

March 24th, 1899

The HUMBLE PETITION of BRITISH SUBJECTS resident on the Witwatersrand, South African Republic, to HER MOST GRACIOUS MAJESTY, QUEEN VICTORIA.

Sheweth that:—

1. For a number of years, prior to 1896, considerable discontent existed among the Uitlander population of the South African Republic, caused by the manner in which the Government of the country was being conducted. The great majority of the Uitlander population consists of British subjects.

2. It was, and is, notorious that the Uitlanders have no share in the government of the country, although they constitute an absolute majority of the inhabitants of this State, possess a very large proportion of the land, and represent the intellect, wealth, and energy of the State.

3. The feelings of intense irritation which have been aroused by this state of things have been aggravated by the manner in which remonstrances have been met. Hopes have been held out and promises have been made by the Government of this State from time to time, but no practical amelioration of the conditions of life has resulted.

4. Petitions, signed by large numbers of Your Majesty's subjects, have been repeatedly addressed to the Government of this State, but have failed of their effect, and have even been scornfully rejected.

5. At the end of 1895 the discontent culminated in an armed insurrection against the Government of this State, which, however, failed of its object.

6. On that occasion the people of Johannesburg placed themselves unreservedly

in the hands of Your Majesty's High Commissioner, in the fullest confidence that he would see justice done to them.

7. On that occasion also President Kruger published a proclamation, in which he again held out hopes of substantial reforms.

8. Instead, however, of the admitted grievances being redressed, the spirit of the legislation adopted by the Volksraad during the past few years has been of a most unfriendly character, and has made the position of the Uitlanders more irksome than before.

9. In proof of the above statement, Your Majesty's petitioners would humbly refer to such measures as the following:—

The Immigration of Aliens Act (Law 30 of 1896);
The Press Law (Law 26 of 1896);
The Aliens Expulsion Law of 1896.

Of these, the first was withdrawn at the instance of Your Majesty's Government, as being an infringement of the London Convention of 1884.

By the second the President is invested with the powers of suppressing wholly, or for a stated time, any publication which in his individual opinion is opposed to good manners or subversive of order. This despotic power he has not hesitated to exercise towards newspapers which support British interests, while newspapers which support the Government have been allowed to publish inflammatory and libellous articles, and to advocate atrocious crimes without interference.

The Aliens Expulsion Act draws a distinction between the Burghers of the State and Uitlanders which, Your Majesty's petitioners humbly submit, is in conflict with the Convention of 1884. Thus, whilst Burghers of the State are protected from expulsion, British subjects can be put over the border at the will of the President, without the right of appealing to the High Court, which is, nevertheless, open to the offending Burgher. This law was repealed, only to be re-enacted in all its essential provisions during the last session of the Volksraad.

10. The promise made by the President with regard to conferring Municipal Government upon Johannesburg was to outward appearance kept; but it is an ineffective measure, conferring small benefit upon the community, and investing the inhabitants with but little additional power of legislating for their own municipal affairs. Of the two members to be elected for each ward, one at least must be a Burgher. Besides this, the Burgomaster is appointed by the Government, not elected by the people. The Burgomaster has a casting vote, and, considering himself a representative of the Government and not of the people, has not hesitated to oppose his will to the unanimous vote of the Councillors. The Government also possess the right to veto any resolution of the Council. As the Burghers resident in Johannesburg were estimated at the last census as 1,039 in number as against 23,503 Uitlanders, and as they belong to the poorest and most ignorant class, it is manifest that these Burghers have an undue share in the representation of the town, and are invested with a power which neutralises the efforts of the larger and more intelligent portion of the community. Every Burgher resident is qualified to vote, irrespective of being a ratepayer or property owner within the municipal area.

11. Notwithstanding the evident desire of the Government to legislate solely in the interests of the Burghers, and impose undue burdens on the Uitlanders, there was still a hope that the declaration of the President on the 30th of December, 1896, had some meaning, and that the Government would duly consider grievances properly brought before its notice. Accordingly, in the early part of 1897 steps were taken to bring to the notice of the Government the alarming depression in the Mining Industry, and the reasons which, in the opinions of men well qualified to judge, had led up to it.

12. The Government at last appointed a Commission consisting of its own officials, which was empowered to enquire into the industrial conditions of the mining population, and to suggest such a scheme for the removal of existing grievances as might seem advisable and necessary.

13. On the 5th of August the Commission issued their report, in which the reasons for the then state of depression were fully set forth, and many reforms were recommended as necessary for the well-being of the community. Among them it will be sufficient to mention the appointment of an Industrial Board, having its seat in Johannesburg, for the special supervision of the Liquor Law, and the Pass Law, and to combat the illicit dealing in gold and amalgam.

14. The Government refused to accede to the report of the Commission, which was a standing indictment against its administration in the past, but referred the question to the Volksraad, which in turn referred it to a Select Committee of its own members. The result created consternation in Johannesburg, for, whilst abating in some trifling respects burdens which bore heavily on the mining industry, the Committee of the Raad, ignoring the main recommendations of the Commission, actually advised an increased taxation of the country, and that in a way which bore most heavily on the Uitlander. The suggestions of the Committee were at once adopted, and the tariff increased accordingly.

15. At the beginning of 1897 the Government went a step further in their aggressive policy towards the Uitlander, and attacked the independence of the High Court, which, until then, Your Majesty's subjects had regarded as the sole remaining safeguard of their civil rights. Early in that year Act No. 1 was rushed through the Volksraad with indecent haste. This high-handed Act was not allowed to pass without criticism; but the Government, deaf to all remonstrance, threatened reprisals on those professional men who raised their voices in protest, and finally, on the 16th of February, 1898, dismissed the Chief Justice, Mr. J. G. Kotze, for maintaining his opinions. His place was filled shortly afterwards by Mr. Gregorowski, the Judge who had been especially brought from the Orange Free State to preside over the trial of the Reform prisoners in 1896, and who, after passing of the Act above referred to, had expressed an opinion that no man of self-respect would sit on the Bench whilst that law remained on the Statute Book of the Republic. All the Judges at the time this law was passed condemned it in a formal protest, publicly read by the Chief Justice in the High Court, as a gross interference with the independence of that tribunal. That protest has never been modified or retracted, and of the five Judges who signed the declaration three still sit on the Bench.

16. The hostile attitude of the Government towards Your Majesty's subjects has been accentuated by the building of forts not only around Pretoria, but also overlooking Johannesburg. The existence of these forts is a source of constant menace and irritation to British subjects, and does much to keep alive that race-feeling which the Government of this State protesses to deprecate. This feeling of hostility has infected the general body of Burghers. Most noticeable is the antagonistic demeanour of the police and of the officials under whom they immediately act.

17. The constitution and *personnel* of the police force is one of the standing menaces to the peace of Johannesburg. It has already been the subject of remonstrance to the Government of this Republic, but hitherto without avail. An efficient police force cannot be drawn from a people such as the burghers of this State; nevertheless, the Government refuses to open its ranks to any other class of the community. As a consequence, the safety of the lives and property of the inhabitants is confided in a large measure to the care of men fresh from the country districts, who are unaccustomed to town life and ignorant of the ways and requirements of the people. When it is considered that this police force is armed with revolvers in addition to the ordinary police truncheons, it is not surprising that, instead of a defence, they are absolutely a danger to the community at large.

17A. Trial by jury exists in name, but the jurors are selected exclusively from among the burghers. Consequently in any case where there is the least possibility of race or class interests being involved, there is the gravest reason to expect a miscarriage of justice.

18. Encouraged and abetted by the example of their superior officers, the police have become lately more aggressive than ever in their attitude towards British subjects. As, however, remonstrances and appeals to the Government were useless, the indignities to which Your Majesty's subjects were daily exposed from this source had to be endured as best they might. Public indignation was at length fully roused by the death at the hands of a police constable of a British subject named Tom Jackson Edgar.

19. The circumstances of this affair were bad enough in themselves, but were accentuated by the action of the Public Prosecutor, who, although the accused was charged with murder, on his own initiative reduced the charge to that of culpable homicide only, and released the prisoner on the recognisances of his comrades in the police force, the bail being fixed originally at £200, or less than the amount which is commonly demanded for offences under the Liquor Law, or for charges of common assault.

20. This conduct of a high State official caused the most intense feeling to prevail in Johannesburg. It was then thought that the time had arrived to take some steps whereby British subjects might for the future be protected from the indignities of which they had so long complained. It was therefore decided to make an appeal direct to Your Most Gracious Majesty, setting forth the grievances under which Your Majesty's subjects labour. A petition was accordingly prepared and presented to Your Majesty's Vice-Consul on the 24th of December, 1898, by some 4,000 or 5,000 British subjects. The behaviour of those present was orderly and quiet, and everything was done to prevent any infringement of the Public Meetings Law.

21. Owing to a technical informality, Your Majesty's Representative declined to transmit the petition to Your Majesty.

22. Immediately it became known that the petition would not go forward to Your Majesty, the Government ordered the arrest of Messrs. Clement Davies Webb and Thomas Robery Dodd, respectively the Vice-President and Secretary of the Transvaal Province of the South African League, under whose auspices the petition had been presented, on a charge of contravening the Public Meetings Act by convening a meeting in the open air. They were admitted to bail of £1,000 each, five times the amount required from the man charged with culpable homicide.

23. Thereupon Your Majesty's subjects, considering the arrest of these two gentlemen a gross violation of the rights of British subjects and an attempt to strain unduly against them a law which had already been represented to the Government as pressing most heavily upon the Uitlander population, decided to call a public meeting in an enclosed place, as permitted by the law, for the purpose of ventilating their grievances, and endorsing a fresh petition to Your Majesty.

24. Prior to holding the meeting the South African League ascertained from the Government, through the State Attorney, that, as in their opinion the meeting was perfectly legal in its objects, the Government had no intention of prohibiting it.

25. The meeting took place on the 14th of January, 1899, at the Amphitheatre, a large iron building capable of holding from 3,000 to 4,000 people. Prior to the advertised hour of opening an overwhelmingly large body of Boers, many of whom were police in plain clothes and other employees of the Government, forced an entrance by a side door, and practically took complete possession of the building. They were all more or less armed, some with sticks, some with police batons, some with iron bars, and some with revolvers.

26. The mere appearance of the speakers was the signal for disorder to commence; the Boers would not allow the meeting to proceed, but at once commenced to wreck the place, break up the chairs, and utilise the broken portions of them as weapons of offence against any single unarmed Englishman they could find.

27. There were present several Government officials, Justices of the Peace, and Lieutenants of Police in uniform, and the Commandant of Police, but they were appealed to in vain, and the work of destruction proceeded, apparently with their concurrence. Several Englishmen were severely injured by the attacks of the rioters, but in no case was an arrest effected, although offenders were pointed out and their arrest demanded; nor, inded, was any attempt made by the police to quell the riot. Up to the present time no steps have been taken by the Government towards prosecuting the ringleaders of the disturbance, nor has a single arrest been made, notwithstanding the fact that the police officials who were present at the meeting admitted that some of the rioters were well known to them.

28. Those of Your Majesty's subjects who were present at the meeting were unarmed and defenceless, and seeing that the rioters had the support of the police and of some of the higher officials of the State, they refrained from any attempt at retaliation, preferring to rely upon more constitutional methods, and to lay a full statement of their grievances before Your Most Gracious Majesty.

29. The condition of Your Majesty's subjects in this State has indeed become well nigh intolerable.

30. The acknowledged and admitted grievances of which Your Majesty's subjects complain prior to 1895 not only are not redressed, but exist to-day in an aggravated form. They are still deprived of all political rights, they are denied any voice in the government of the country, they are taxed far above the requirements of the country, the revenue of which is misapplied and devoted to objects which keep alive a continuous and well founded feeling of irritation, without in any way advancing the general interest of the State. Maladministration and peculation of public monies go

hand in hand, without any vigorous measures being adopted to put a stop to the scandal. The education of Uitlander children is made subject to impossible conditions. The police afford no adequate protection to the lives and property of the inhabitants of Johannesburg; they are rather a source of danger to the peace and safety of the Uitlander population.

31. A further grievance has become prominent since the beginning of the year. The power vested in the Government by means of the Public Meetings Act has been a menace to Your Majesty's subjects since the enactment of the Act in 1894. This power has now been applied in order to deliver a blow that strikes at the inherent and inalienable birthright of every British subject, namely, his right to petition his Sovereign. Straining to the utmost the language and intention of the law, the Government have arrested two British subjects who assisted in presenting a petition to Your Majesty on behalf of 4,000 fellow subjects. Not content with this, the Government, when Your Majesty's loyal subjects again attempted to lay their grievances before Your Majesty, permitted their meeting to be broken up and the objects of it to be defeated by a body of Boers, organised by Government officials and acting under the protection of the police. By reason, therefore, of the direct, as well as the indirect, act of the Government, Your Majesty's loyal subjects have been prevented from publicly ventilating their grievances, and from laying them before Your Majesty.

32. Wherefore Your Majesty's humble petitioners humbly beseech Your Most Gracious Majesty to extend Your Majesty's protection to Your Majesty's loyal subjects resident in this State, and to cause an enquiry to be made into grievances and complaints enumerated and set forth in this humble petition, and to direct Your Majesty's Representative in South Africa to take measures which will secure the speedy reform of the abuses complained of, and to obtain substantial guarantees from the Government of this State for a recognition of their rights as British subjects.

And Your Most Gracious Majesty's petitioners as in duty bound will ever pray, &c., &c.

W. WYBERGH, &c., P.O. Box. 317,
Johannesburg, South African Republic,
And OTHERS.

I, Wilfrid John Wybergh, of Johannesburg, make oath and say:—

I am a consulting engineer by profession, and am President of the South African League in the Transvaal. I am responsible for the drawing up and signing of the accompanying Petition to Her Majesty Queen Victoria, from British subjects resident on the Witwatersrand.

The manuscript copy of the said petition to which 21,684 signatures are attached is a true and correct copy of the printed copies which were made by my instructions and circulated by me among the public, in order to obtain all the said signatures. In order to bring the petition to the notice of the public, and to give British subjects the opportunity of reading and signing the same, I employed both paid and voluntary canvassers. I gave strict instructions to all that on no account was the petition to be made public in the press, I also gave instructions to all, that no signatures were to be accepted about the genuineness of which there might be the slightest doubt. I informed all the canvassers that no signatures would be accepted as to the genuineness of which they were not prepared to make an affidavit. Sworn declarations have actually been made covering 21,312 signatures.

In the case of those canvassers who received payment for their services, the payment that they received was entirely independent of the number of signatures that they obtained; no inducement whatever was held out to any canvasser to obtain signatures by other than legitimate means. I have taken every possible precaution to ensure that no signatures are attached to this petition which are not genuine, or not obtained by honourable means, and to the best of my knowledge and belief the signatures attached to the petition are all genuine and properly obtained.

I have also taken every precaution to avoid publication of the text of the petition.

WILFRID JOHN WYBERGH.

Sworn at Johannesburg this 24th day of March, 1899, before me

J. EMRYS EVANS,
Vice Consul.

I, Harry John Ryves Pitt, of Johannesburg, make oath and say :—
That the signatures on the sheets numbered 31, 35, 48, 49, 50, 52, 53, 56, 57, 62, 65, 78, 87, attached to the Petition to Her Majesty are genuine to the best of my belief and knowledge, I having personally witnessed the writing of the signatures.

H. R. PITT.

Sworn at Johannesburg this 23rd day of March, 1899, before me (Voormig).
J. H. RAINIER.
V.R.

I, Richard Sibbald, of Johannesburg, make oath and say:—
That the signatures on the sheets numbered 2, 3,, 12, 19, 22, 51, 52, 62, 78, 9, 63, 43, 51, 65, 81, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

R. SIBBALD.

Sworn at Johannesburg, this 23rd day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

Johannesburg, March 23, 1899.

I, Ella Helen Doveton, of Johannesburg, make oath and say:—
That the signatures on the sheets numbered 72, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

E. H. DOVETON.

Witnesses:
H. R. Pitt.
R. Sibbald.
Sworn at Johannesburg, this day of March, 1899.
Before me (Voor mij):—

Johannesburg, 22nd March, 1899.

I hereby solemnly declare that, to the best of my knowledge and belief, the signatures hereto attached to the petition to the Queen are those of adult British subjects. This declaration refers to two sheets numbered 14.

E. H. PARRY.

Witness:
Richd. Hosken.

I, Sydney Charles Mosel, of Glen Deep Mine, near Johannesburg, make oath and say:—That the signatures on the sheets numbered 5/11, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

S. MOSEL.

Sworn at Johannesburg, this 22nd day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

Johannesburg, South African Republic.

I, John O'Neill, of Johannesburg, make oath and say:—That the signatures on the five sheets numbered 30, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

J. O'NEILL.

Sworn at Johannesburg, this 20th day of March, 1899.

Before me (Voor mij):—
V. J. DE BEER, V.R.

I, Nicholas Albertos Du Plessis, of Johannesburg, make oath and say:—That the signatures on the three sheets, No. 31, and on the two sheets No. 30, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

NS. A. DU PLESSIS.

Sworn at Johannesburg, this 2nd day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

I, George Patterson, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 1, 43, 44, and 45, attached to the Petition to Her Majesty are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

GEO. PATTERSON.

Sworn at Johannesburg, this 11th day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

I, Charles Hawkins, of Johannesburg, make oath and say:—That the signatures on the three sheets numbered 56, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

CHAS. HAWKINS.

Sworn at Johannesburg, this 3rd day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

I, H. Clive Steadman, of Johannesburg, make oath and say:—That the signatures on the two sheets numbered 63, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

H. CLIVE STEADMAN.

Sworn at Johannesburg, this 17th day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

I, Katherine Emily Wybergh, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 67, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

KATHERINE EMILY WYBERGH.

Sworn at Johannesburg, this 21st day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

I, Harry Goodwin, of Krugersdorp, make oath and say:—

That the signatures on the sheets numbered 80, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

HARRY GOODWIN.

Sworn at Johannesburg, this 18th day of March, 1899.

Before me (Voor mij):—
J. H. RAINIER, V.R.

Johannesburg, South African Republic, February 28, 1899.

I, Philip Cronson, of Johannesburg, make oath and say:—That the signatures on the five sheets attached to the Petition to Her Majesty (No. 81) are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

P. CRONSON.

Sworn at Johannesburg, this 28th day of February, 1899.

Before me (Voor mij):—

J. H. RAINIER, V.R.

I, Wilfrid John Wybergh, of Johannesburg, South African Republic, make oath and say:—

That the signatures on the sheets numbered 50, 54, 86, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

WILFRID JOHN WYBERGH.

Sworn at Johannesburg, this 21st day of March, 1899.

Before me (Voor mij):—

J. H. RAINIER, V.R.

I, Margaret E. H. Napier, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 70, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

MARGARET E. H. NAPIER.

Sworn at Johannesburg, this 21st day of March, 1899.

Before me (Voor mij):—

J. H. RAINIER, V.R.

I, , of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 68, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

GEORGIE E. WEBB.

Witnesses:

C. Wayland.
E. T. Martin.

Sworn at Johannesburg, this day of March, 1899.

Before me (Voor mij):—

Johannesburg, March 23, 1899.

I, Charles Murray, of Krugersdorp, make oath and say:—

That the signatures on the sheets numbered 71, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

CHARLES MURRAY.

Witnesses:

H. R. Pitt.
Henry F. Head.

I, Claude Porter, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 31, 39, 52, 62, 66, and 78, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

C. PORTER.

Sworn at Johannesburg, this 24th day of March, 1899.

Before me (Voor mij):—

V. J. DE BEER, V.R.

I, F. Vincent Eatonlowe, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 4, 11, 22, 34, 35, 36, 38, 45, 54, 56, 59, 67, 71, 72, 78, 79, 80, and 104, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I have personally witnessed the writing of the signatures.

F. VINCENT EATONLOWE.

Sworn at Johannesburg, this 24th day of March, 1899.

Before me (Voor mij):—
V. J. DE BEER, V.R.

I, Alfred Levermoir Rose, of Johannesburg, make oath and say:—

That the signatures on the sheets numbered 22, attached to the Petition to Her Majesty, are genuine to the best of my belief and knowledge—I having personally witnessed the writing of the signatures.

ALFRED L. ROSE.

Sworn at Johannesburg, this 23rd day of March, 1899.

Before me (Voor mij):—

Witness:
W. Wybergh.
E. M. Buxton.

No. 67.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 14, 1899.)

Government House, Cape Town,
March 28, 1899.

SIR,

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of a speech delivered by President Kruger at Heidelberg on March 17th.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 67.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
March 21, 1899.

SIR,

I HAVE the honour to transmit to Your Excellency herewith what purports to be the official text of the speech delivered by President Kruger at Heidelberg on the 17th instant, as published in the "Standard and Diggers' News" of to-day.

I have also the honour to enclose a report of the same speech from the "Star" newspaper of the 18th instant, as it reports certain questions and answers, addressed to and replied to by the President, which are not published in the official text above referred to.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

"STANDARD AND DIGGERS' NEWS," March 21, 1899.

The following is a translation of the full official text of His Honour the President's deliverance at Heidelberg on Friday afternoon. His Honour said he would speak principally on the following four points:

1. The State finances.
2. The Dynamite Factory.
3. Bewaarplaatsen.
4. The Franchise.

THE FINANCES OF THE STATE.

He said that the Executive Council would arrange for the appointment of a State Financier, and were at present engaged on this matter. The gentleman would be entirely independent and would have a voice in the Executive Council. Not that the person in question would have a perpetual seat in the Executive, but he would give advice with regard to the putting on and taking off of taxes, and further, in what manner the money should be spent. He would, however, render an account to the Volksraad, and he would further advise the Executive when money was required, in what manner taxation should be levied, so that it should not be done in an erroneous manner. The regulation of finances was the great support of all States. Further, he would have to see that the taxation should be levied so that it did not oppress the poor more than the rich. We have never had such a financier, said the President. We have had, it is true, a Treasurer-General, but then only the actual revenue and expenditure was considered. We really require a State Financier to show how everything has to be done. All that he does he will have to account for to the First Volksraad. Further, he must travel about to ascertain how things are; thus also to the Goldfields to find whether one mine was not too heavily and the other too leniently taxed. His Honour had already in his mind's eye such a person, who had made the subject his special study. That person was Mr. Joubert, the former Inspector of Offices, who at that moment was in Europe to complete his study of matters relating to finance, and whom they could, on his return, if he had mastered all the technicalities and qualifications of the position, appoint to the post. This was promised him, conditionally, of course, that he could fulfil all its requirements. Before that gentleman arrived, however, His Honour would get out a financier to settle everything provisionally. To get such a person out here would cost much, but would bring profit to the whole Republic. The burghers, therefore, must not grumble at the expenditure of a little money, for if the person came out here, say, for a year, he could put the whole administration in order, and lay the foundation for a good system. For that purpose His Honour would try to get out a celebrated financier from Europe, and it did not matter what countryman he was. His Honour believed that every burgher would understand that it was an important matter to get a good financier in this country and should comprehend the interest thereof. Before the new financier arrived His Honour would not impose any new taxation on the population. Probably he (the financier) could be here by May, although His Honour was convinced that it would be a difficult matter to get such a person here. As before stated by His Honour, the person would not be a member of the Executive, but that body would be subject to his advice. Thus the suspicions entertained by some members that the Executive Council spent too much money would be removed. This person, who was in Europe, studying for that purpose, was Mr. Joubert. At first Mr. Joubert entertained the idea of going to study for the law, for which purpose His Honour did not wish to grant him permission. Then when he said that he would also study to become a financier, His Honour gave him leave, and told him that if he thoroughly studied matters relating to finance, and was properly qualified, he would give him the preference as financier.

THE DYNAMITE FACTORY.

The Dynamite Factory was part of their independence. It was originally established by a French Company, but then the Germans and English protested against this, and they considered it inadvisable to give this monopoly to one country; thereupon His Honour made an arrangement which was confirmed by the French Company—that was, that Germans and Englishmen should assist. By this means they were placed in possession of a good factory which they should not have had but for the acquiescence of the Company. We first took over the powder factory ourselves (continued the President), but could not get workmen for it, for it was not everyone who would work or was fit to work in the factory, while now under the new arrangement everything worked satisfactorily.

The monopoly belongs to the State, but the company was established to work the monopoly. This company had only to manufacture gunpowder, and paid the Government £3,000 annually therefor. The position to-day was such that if we required to-morrow 1,000,000 cartridges for Martini-Henry rifles we could get them. As stated before, the factory formed part of our independence, for in this case it was exactly as in the following instance. Supposing a person had a good farm with plenty of water, but could get his corn, fruit, &c., cheaper from his neighbours, it would be simple for him to say, "Why should I till my ground when I can get all I want at a less cost from my neighbours?" But if he had a quarrel with his neighbours, and they refused to sell him anything, then he would not be able to get anything because he had not tilled his own ground, and remained dependent on his neighbours, while he would have been entirely independent had he tilled his own ground.

The President continued: The same thing occurred with the dynamite factory. This was a matter of importance with regard to their independence, that is to say, if a dispute arose with foreign countries, and their gates were shut, where would they be then? If, however, the factory existed they could help themselves. When the contract was entered into it was stipulated that the factory should be erected after a period of two and a half years, and the factory had to produce at least forty thousand cases annually. It was also stipulated that no explosive would be allowed to be imported, with the exception of sulphur and saltpetre. These things were found here in abundance, but their extraction was at the present time too difficult and dear. The Government, however, was already active to get these things in its hands and to extract them, and the Executive Council was already in negotiation in connection with a farm where sulphur was found in great quantities. The supply of material they had here was, it is true, sufficient for the mines, but the extraction was still difficult.

The question was asked why these materials had not been "worked" yet, but this was impossible at the present time. People couldn't do everything at once. The industry was as a newly-born child, which could not be expected to get big all at once. A similar matter was their independence, which had only been established after years of strife. The profits the Government derived were £117,000; but the Company paid the State 5s. on every case and a minimum of 2s. 6d., or 20 per cent. of the surplus profits, if this calculation was more advantageous to the State. A legal question had arisen with the Company because the latter had written off a portion of the capital from the surplus profits before paying the Government 20 per cent. But this question was settled. The Executive Council had proposed certain alterations in the contract, and brought its proposals before

the Volksraad. It was not specified in the old contract that the factory could be taken over, and His Honour was afraid that if, at the termination of the contract, the factory and the ground upon which it stood was lost, that they would have nothing. They (the Company) could then establish a new monopoly in Europe, and then they (the Government) would have to erect a new factory. Therefore His Honour wanted a stipulation introduced to alter the termination of the contract—which had still ten years to run—they could take over the factory. Under the old contract, not alone the interest had to be written off, but the entire capital. Very different conditions prevailed with regard to the railways. If they (the Government) wished to expropriate the railways they had only the costs of expropriation, while, with regard to the dynamite company, the capital had already been written off. His Honour desired that the factory should be valuated by impartial arbitrators, and if they decided to take over the factory nothing would be written off the capital, and they would only receive 20 per cent. of the surplus profits during the ten years the contract had still to run. When His Honour came with the contract to the Volksraad that body decided to again refer the matter to the Government, with instructions to settle it. The Volksraad was of opinion that the factory should not be abolished, but that the contract should. According to the contract they could get a decrease in price five years hence, because then the prices established by the Volksraad for eight years would fall through. It was now the intention of His Honour to expropriate the factory even before the contract expired; but His Honour would not coerce the Company, and they could not break the contract, because if they did they would have no dynamite factory. The same thing would occur as with the wool factory, of which the shares could not be placed in consequence of the stories going round in connection with the dynamite question. Of course, everybody who put his money in a business had an impression that the business would continue to exist. The monopoly was the property of the State, but the factory was not, and now His Honour intended to make the factory the property of the State also. If His Honour gave the contract to a foreign company it would be asserted that such action would be in conflict with the Convention, but if the State itself worked that factory this would not be the case. His Honour pointed out that they could not allow everybody to work in the factory, because the workmen had to understand their business, and it was therefore his plan, if they took over the factory, to give the preference to the same people, because they were conversant with matters. If the Government and the Company could not agree with respect to the valuation of the expropriation costs, there was a clause in the contract that an arbitrator should be appointed on either side, and, if these could not agree, it would be left to the High Court to appoint an arbitrator who would assess the costs of expropriation.

Bewaarplaatsen.

The Volksraad had resolved to cause all the existing bewaarplaatsen to be sold by action. The proprietor of the surface would then receive half the receipts and the State the other half. His Honour proposed to present this matter to the Volksraad, and to suggest that only mines which bounded these bewaarplaatsen and who owned surface rights, should have preferent rights, if they could come to an agreement with the Government. His Honour was of opinion that if any other course was pursued the prices would be rushed up, and that the mines would suffer and be involved in trouble. It was, therefore, His Honour's intention to propose to the Volksraad that the bewaarplaatsen should not be sold by auction, but to have them valuated, and then to give the mines concerned the preference. His Honour thought that the mines were prepared to pay the Government a substantial price. And why should they not then give them the preference?

The Franchise.

His Honour attached the highest value to the franchise, as he was afraid of the great immigration of strangers in our Republic. When a stranger had been in the country for two years he could be naturalised, and could vote for the Second Volksraad. A further two years after he was naturalised he was eligible for election as member of the Second Volksraad, and then after ten years he could become a fully enfranchised burgher; thus only after 14 years he could obtain full franchise, subject to the condition that two-thirds of the number of burghers in his ward were in favour of it. Now it was the intention of His Honour to effect an amendment of this, and to reduce the term of ten years to five, so that persons could obtain full franchise in nine years. In European States strangers became full franchised burghers in five years; this, however, could be done there, as there were millions of burghers, but in our Republic this could not be done, for this would open the door to all sorts of foreigners, who would thereby have the chance in less than one year to out-vote us, because we were weak, although His Honour would not be against it at a later period. When the law was established our country numbered only 12,000 burghers, which number had now increased to about 40,000. We are now so strong that the few foreigners who enter our land cannot outvote us, and now that we are so strong we can safely give to the foreigners streaming in a shorter period in which to obtain full franchise. The Volksraad could not do otherwise than refer the question to the people, for which reason another year would elapse before the measure could come in force, so that then the number of burghers would again be increased by more than 10,000. Later on we can reduce this term further, so that finally we shall be in conformity with the European powers to-day. As long as we were not so strong we had to take care that the strangers did not out-vote us. We must act honourably and justly, but so that we do not injure ourselves. His Honour would, however, in no case allow naturalisation to be abolished, and was in favour of the State President and Commander-in-Chief being elected from the old burghers of the country. By these measures His Honour would convince the world that we entertain no hatred towards strangers. On the contrary, that we would treat them in a friendly manner.

"Star," March 18, 1899.

Heidleberg, Saturday, 8.20 a.m. (Special).—Yesterday afternoon, at 3 o'clock, President Kruger held a meeting in the Good Templars' Hall, to discuss political matters with the public. The room was full, and the attendance included the delegates to the Conference called by the Burgermacht, which adjourned its meeting for the purpose of allowing this to take place.

President Kruger said he had seized the opportunity to come there to express his views on a few of the leading topics, viz., those of a State financier, dynamite, bewaarplaatsen, and undermining rights, and the franchise. With regard to the first, the appointment of such an official was highly necessary to regulate the finances of the country, and it was imperative that a good man should hold the position. It would be his duty to attend to all matters connected with the revenue and expenditure, taxation, &c., and defend his action in the Raad, if necessary. With a view to filling this office, Mr. Joubert, late Inspector of Offices, was studying financial matters in Europe. A man with the experience necessary to do all that such an office demanded would have to be paid a considerable sum, but he had, nevertheless, determined to procure the appointment of such a person at any cost, for a year or two, to put the financial affairs on a proper footing. He was sure that the State would be the gainer by the arrangement. It was his intention, and the Executive Council agreed with him, to leave all financial questions concerning either the burghers or strangers, altogether in abeyance until the State Financier arrived to take control. In reply to a question, President Kruger said the financier would be "baas" over the Executive Council in his official capacity, and would, therefore, be the means of doing away with any suspicion that might otherwise be entertained with regard to that Body's disposal of public money. The President proceeded to deal with the dynamite question. After reviewing its history, he gave a simple illustration of the position. According to his idea, supposing a person had a nice farm, with fine cultivated lands, and then decided to get mealies from his neighbour, because he could obtain them cheaper that way than by growing them himself, the result would be that the farm would be useless, for in the event of a dispute between him and his neighbours, his supplies would be cut short, and next day he would have nothing. That was the case in regard to the dynamite factory, the principal thing in connection with their independence. If they had a dispute with England, and the latter shut up its ports to the Transvaal, where would they be if they had no factory. The only materials imported were certain things that could not be obtained here sufficiently cheap. At present there were sulphur and saltpetre in the country, but in the rocks and krantzes, and it would cost too much to procure to enable dynamite to be produced at a reasonable rate. So long as this was the case, they could not insist on the explosive being manufactured in the State. He mentioned that he had brought the proposal for taking over the factory before the Raad. The contract did not provide for expropriation, and, in consequence, when the term expired there would be no factory, unless some arrangement were made. The agreement expired at the end of another four years. He said now he wanted the factory, and would not allow any writing off. It would be a breach of contract to take it over by force before that time. The Volksraad had now referred the question to the Executive Council, with instructions to expropriate at the termination of the contract. It would not be necessary to wait till the end of the old contract. They could take it over as soon as they wished, and with respect to one of the conditions of expropriation, he preferred to leave the working of the factory in the hands of the people. There were about 1,000 persons at present employed in the works, who had all the experience and appliances necessary for carrying on the undertaking. His policy, therefore, was to take over as soon as possible.

The question was asked whether there was a fixed price for dynamite.

The President replied that if the factory were expropriated, dynamite could be sold at 70s. a case, instead of £8, which was the price during the Mapoch War. Since then it was reduced to £7, and subsequently he had it inserted in the contract at £5. The Company afterwards came down to 85s., and then, when the Government agreed to forego 5s., the price was fixed at 75s., and it was coming down still more, namely, to 70s.

Mr. Viljoen, Mining Commissioner, stated that he paid the day before £4 19s. 6d. for a case of dynamite. He thought this rather a high price.

The President: Yes, that was the old price.

Mr. Viljoen: No, that was yesterday.

The President: I mean that was according to the old price. (Laughter.) It will come down to 70s.

Mr. Buys asked whether it was true the price of dynamite in Kimberley was 40s. a case?

A Voice: 50s.

Mr. Viljoen: Supposing we have a dispute with our neighbours, to use the illustration you employed, and everything is stopped from coming in, can the dynamite factory then be worked?

The President: Yes; we have the cartridges and most of the material here, and the sulphur and saltpetre can be obtained. Also we have taken care to have enough materials on hand to last two or three years. He further stated that he was negotiating for the purchase of a farm for the Government to supply some of the materials required.

In reply to a question,

The President said the Executive Council intended to expropriate.

Mr. Chatterton inquired whether the Chamber of Mines had offered to provide money to take over the factory?

The President replied that the offer had not come to the Executive Council. They had lent their Railway Company the two millions received from the Rothschilds. They could now get the money back, and therefore did not require to ask anyone else for money. They had sufficient.

Mr. Chatterton asked what profit the company made per case?

The President replied that it was difficult to say. Supposing they received, say, 85s., they paid the Government out of that 5s., or a minimum of 2s. 6d. Taking into account what they had to pay for the factory, and everything connected with it, the writing-off of interest, and then the capital and working capital, there would not remain much over. If all was added to the £170,000 received by the Government, the Company's annual profit did not amount to a great deal.

The Chairman (Mr. Van Rensburg) asked whether the Legal Commission appointed to go into the dynamite matter had performed its work?

The President replied in the affirmative, and explained that the members had taken up other appointments than those held by them at the time, in consequence of which the matter came into the hands of the State Attorney, who went into the question with all the documents before him.

Mr. E. P. A. Meintjes: As one who takes an interest in the mining industry, I would ask whether I am to understand that in order to bring all disputes to an end, your object is to have the factory taken over and placed absolutely in the hands of the State?

The President: Yes. (Applause.)

Mr. Meintjes said he could say openly, as so much had been said about materials, that saltpetre could be obtained in the Low Country, and keiselguhr in New Scotland. In fact, they had everything they required in this country.

The President remarked that saltpetre also existed at Roossenekal, and sulphur in other parts of the country. He proceeded to speak on the bewaarplaatsen question. The Volksraad's resolution was that the bewaarplaatsen should be sold, and his intention was to so arrange that the mines in the immediate vicinity could have the preference and be allowed to take them at a reasonable sum. He would endeavour to have the bewaarplaatsen sold out of hand. With regard to owners, he would act as the law prescribed. In regard to the franchise, two years' residence, he said, entitled a foreigner to become naturalised, and vote for the Second Raad, and two more gave him the right to vote for or be a member of that body. In another ten years he could become a full burgher, providing two-thirds of the enfranchised burghers in his district approved. In other countries, the term was five years. The reason why it was fourteen here was this: The law was made when the old burghers numbered only 12,000, while there were so many foreigners that the granting of the franchise was a difficult matter. Now there were 40,000 burghers, and, owing to this fact he intended proposing in the Volksraad next session a reduction of five years in the term now fixed. This would make it possible for strangers to procure full voting rights in nine years. The five years would be taken off the ten following naturalisation. He held, however, that the election of President should remain in the hands of the old burghers. If his proposition was carried into effect, he considered it would do no harm, and presented no dangers so far as the old burghers were concerned, especially as Johannesburg would not be able to return more than two members to the Volksraad.

Mr. De Villiers inquired whether the 40,000 burghers did not comprise a large number of newcomers?

Mr. J. G. Meyer said that boys of sixteen had been given the franchise, and that helped considerably to swell the number.

Mr. Chatterton asked whether the proposal would have a retrospective effect?

The President said that, in his opinion, a person who was not naturalised would have to wait nine years at least.

Mr. Chatterton: Supposing a man were naturalised seven years ago, would he have voting rights immediately the law came into force?

The President: Yes.

Mr. Chatterton: Would it have to be done with the approval of two-thirds of the burghers?

The President: Yes, that is the law.

Mr. L. Geldenhuis said the idea was a good one, but would it not be better to make special provision for the Goldfields, where the circumstances were exceptional, by allowing the inhabitants to elect a couple of members to represent them in the Volksraad. At present the representatives there were returned for the most part by the police.

The President replied to the effect that the people of Johannesburg were like a man who wanted another wife, while his better half was still living.

After a very long meeting, the President was thanked by the Chairman, and took his leave.

No. 68.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 21, 1899.)

SIR, Government House, Cape Town, April 5, 1899.

I HAVE the honour to enclose for your information, a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of President Kruger's speech at Rustenberg.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 68.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, March 28, 1899.

WITH reference to my despatch of the 25th instant, enclosing a short summary of the President's speech at Rustenburg on the 24th instant, I have now the honour to transmit to your Excellency herewith a copy of the full and so-called authorized report of the speech as published in the "Standard and Diggers' News."

I would draw your Excellency's attention to the reply returned in the course of the proceedings by Mr. Schalk Burger, of the Executive Council, to an inquiry whether the Pass Law applied to Cape boys as well as ordinary Kaffirs.

Mr. Burger said that "this was always open to question, because these Cape boys "were British subjects, and the Convention spoke of British subjects without the "specification of Cape boys, save, of course, Kaffirs, &c."

I have, &c.,

CONYNGHAM GREENE.

His Excellency the High Commissioner,
Cape Town.

"STANDARD AND DIGGERS' NEWS," Monday, March 27, 1899.

The following verbatim report has been personally revised, and is officially authorised by His Honour President Kruger:—

RUSTENBURG, March 25th (Special).—This afternoon a crowded meeting of burghers was held in the Dopper Schoolroom. On the platform were the President, Mr. Schalk Burger, Mr. du Plessis, of the Volksraad, and other leading men. The President addressing the burghers, said that the law provided that the President of the Republic must go amongst the burghers and give them an opportunity of laying their interests before him. The custom was for the burghers to ask questions and for him to answer them, one subject at a time. Now, for once he wished to reverse the order of things. He had so many things to bring to the notice of the burghers that he wished to open the proceedings by making clear the declarations of his policy on certain subjects. Later on those who liked to ask him questions could do so. He would ask the meeting whether it was agreeable to his doing this.

There were cries of assent, so the President, proceeding, said that the first point on which he wished to speak to them was the appointment of a State Financier; the second, on the franchise; the third, on the dynamite question; and the fourth, on bewaarplaatsen on the gold fields. To take the subjects in the order given, he would deal with the State Financier first. He wanted to obtain an expert financial adviser from Europe. He had sent a man home to study and qualify for that position, but he was not yet prepared for it. In the meantime, there was a necessity to get an outside man. He must be thoroughly competent. His duties would be to specify to what extent things could be lent and what things ought to be taxed. He must take charge of the financial administration, direct the finances of the State, must be an independent man, not actually a member of the Executive, but the Executive must take his advice, while he would report to the Volksraad. Such officer of State existed in all countries, and it was most necessary that the Republic should not be backward in this respect. It was essential that the man should be a proved expert. Mr. Joubert, the former Inspector of Offices, had gone home to study. He was the man he had referred to at first, but at present there was no burgher who could be appointed. When he returned he would be appointed to the position, provided he was declared competent by an expert. He (the President) hoped to succeed in getting an able man for the financial administration of the State, [which] was not what it should be. He must prove to the world that he did not want to remove one tax merely to make way for another. He did not desire to oppress the poor. He must ascertain who were the best able to bear the burden of taxation and apply it accordingly. He hoped that the burghers would assist him in this matter. Coming to the second point, the franchise, the President said that it was his intention to bring a proposal on this subject before the Raad. At present aliens could only be naturalised after two years, and then they were eligible for the Second Raad after another two years, and they could be full burghers ten years later, making a total of fourteen years. From this period he wanted to take five years. When the present law was made there were only 10,000 or 12,000 burghers, so he could not do otherwise than make a law as he did. He urged that if the laws of adoption had been otherwise the flood of immigrants would soon have voted them out. Now, however, there were thirty or forty thousand burghers, so he thought he could with safety reduce the period. He would leave the first four years mentioned for naturalisation and reduce the remainder of the period for the attainment of full burgher rights to five years. He calculated that in this way they would have about 70,000 burghers, and the time would probably come when they could still further reduce the period like other countries. He could not do so at present, as their case was different. Those countries had millions of burghers, and there was no danger in letting the aliens come in with comparative freedom. They could not do this at once, but they might achieve it by degrees. He desired to regulate it. He wished to show the world that he was anxious to meet the alien in this matter. Of course, it would have to come before the Raad, and two-thirds of the burghers had to signify their consent. He hoped they would do so. In the present case, by taking off five years, the period of eligibility became nine years. In time they hoped to be so strong as to be able to make the period even less. Perhaps he would not be here then. He would convince the world of his desire to act in conformity with other nations, but he must proceed gradually. The burghers must bear in mind that many good people came from abroad. In the event of his proposal being adopted, the aliens would obtain the full franchise much sooner than otherwise. He hoped that the burghers would agree to the step. Their independence would not be endangered thereby. They could protect themselves, and at the same time show the world that they were anxious to meet the alien. A man at Heidelberg had asked him why he could not vote for the First Raad at once. He (the President) replied that no man could have two wives in this country, and that was virtually what the man's request amounted to. He could not stand under two Governments. He must leave the one before he swore allegiance to the other. The naturalisation clause must therefore remain. If a man was subject thus to two Governments, which would he support in time of trouble? There was no question about it that naturalisation was necessary. Even then it would only be nine years. The next point he wished to deal with was the bewaarplaatsen. The Volksraad had decided that bewaarplaatsen must be disposed of by auction. However, he wanted to suggest to the Raad that such mines as held surface rights of bewaarplaatsen should have the right to purchase bewaarplaatsen on a proper valuation. They could then work bewaarplaatsen themselves, and need not complain of any hardship by the disposal of the bewaarplaatsen by the State. At the same time, by this course the State would not suffer any loss whatever. The stipulation would not apply to all bewaarplaatsen—only a few in which the surface was occupied. As regards dynamite, the President emphasises the necessity of having the local industries their own factories. The dynamite manufactory would be a monopoly in the hands of the State if the present arrangement was upset. There were two points to consider. First of all, there was a contract by which certain persons must work the monopoly on behalf of the State. If this contract was cancelled, there would be danger. Where would they get money for other factories? For example, people in Europe would mistrust the Republic, and would decline to advance money. In the second place, if they did away with the dynamite factory the powder factory went with it. The reason for the dynamite and the powder factories being made up together was that the former was a source of profit to any community. They must sell only to the Government. Hence it was included with the dynamite contract. This was leased to the present company for £400 per annum The factory turned out Martini-Henry and other cartridges. They were capable of doing so, and could export two or three millions. It would also soon be in a position to make cartridges for all the new patterns

of rifles, which, of course, would be supplied to the Government at the ruling European rates. There was no possibility of being overcharged. Now the dynamite factory was first in the hands of a French company. The price in those days was £85. He remembered well that they had to pay that in the Malaboch campaign, but communications came from Germany and England that the French company should not alone be interested in the manufacture of explosives, as it was favouring one nation above another, so they had the matter arranged by the formation of a new company. French, German, and English interests were represented. They had to work the monopoly for the State. A contract was entered into for a period of fifteen years, and the Government was to get 20 per cent. of the profits with 5s. per case, and a minimum of 2s. 6d., which on 250,000 cases would be about £117,000. The contract had to run for another ten years. The company had the right to write off the interests on the money and the working capital. Of the remaining profit the 20 per cent. had to be paid to the State. Out of this profit, however, the company had been writing off amounts against the capital. Their excuse for this was that they must indemnify themselves against the time when the contract would expire. Where would be the capital if it was not paid off by degrees? This he thought was just, but the Company went about the matter in an unjust way. They should have come to the Government and made an agreement on this point. If the Government took over the contract at the conclusion of the period these writings off were unnecessary, so now the Executive had drafted a new contract and laid it before the Raad, by which, when the present contract concluded, the Government could take over the factory. Suppose they made an annual share of the profit of £10,000, then they would have a million of money at the conclusion of the period with which to expropriate the factories. Though the monopoly belonged to the State, they could not alter the contract without an agreement with the Company. They had now agreed to cease these writings-off against capital, provided the Government would purchase the factory at the end of the period. The Raad had referred the matter to the Government to deal with to the best of their ability. He would do his best to get even the period agreed upon reduced, but he could not cancel the contract. However, he would do his best to get a reduction of the period, and that as soon as possible. "Now," said the President, "I want to refer to another matter. I have seen in the newspapers, though I can hardly believe it, that Mr. Chamberlain has delivered a speech, in which he deals with my Heidelberg speech. From the statements it appears he says that he does not believe anything will come. I do not know whether this is true, but the newspapers say so. I must say that, if it be true, I cannot understand it. According to the reports to which I have alluded, Mr. Chamberlain says that I make promises which I never carry out. I deny it. I challenge him to cite one case. Acording to the papers, Mr. Chamberlain says that I have not kept my promise made at the time of the Jameson Raid to forgive and forget. This I have done in the proclamation issued then. I said that only "the chief culprits in the Jameson business should be punished. Well, that I did. I punished the chief men and forgave the others, and yet he says I never keep my promises. I cannot believe he said that." Proceeding, the President said that Mr. Chamberlain had been made out to say that while the dynamite was in the hands of the State it was not against the Convention, but if otherwise it was. He did not know whether this was true or not. He could hardly believe that it was, nor could he credit the statements ascribed to Mr. Chamberlain in regard to education and the English language. As they all knew, up to the second or third standard, English had equal privileges with Dutch. That the people were satisfied with this was evidenced by the fact that only the previous day he had received a memorial, in which it was declared by the parents that they appreciated the sending of their children to the Dutch schools. The speaker must again repeat that he experienced a difficulty in believing that Mr. Chamberlain had made the statements which were published in the newspapers, but if he really said what was reported of him, it would appear as if he was afraid that the speaker would succeed in obtaining peace amongst the English people, for even on the Rand the people were satisfied with the speech he had made. He would show that he intended to justify his words. Of course, he was not "baas," but he would do his utmost in the Raad, with a strong hope of getting through. If what he said was not carried out, it would not be his fault. He saw in the "Standard and Diggers' News" and in the "Volksstem" that the memorials to which he had referred had been signed by many English and other aliens who were supporting the Government. Assuredly, if what was reported of Mr. Chamberlain was correct, it must appear that he desired to create disunion. He (the speaker) would on his side show that to carry out his intention about the franchise could not be done in a day. He could not give the franchise straight away. That was why he spoke of reducing the period, first of all by five years. It was further said by Mr. Chamberlain, according to the newspapers, that British subjects, coolies and Cape boys, were illtreated. He believed that Mr. Chamberlain had been speaking on the strength of false reports. This was unfair. Mr. Chamberlain should have first become acquainted with both sides of the case. But there were busybodies bent on making trouble who incited these people against the law. He would go so far as to say that these mischiefmakers were inferior to the coloured people they would incite. If they would only hold their peace there would be no trouble. The speaker referred to the Cape boy case, in which a month after the brewers of unrest went in search of affidavits, but the Executive was on guard against these people. He would repeat again that he deplored the fact that Mr. Chamberlain should have made the statements attributed to him by the newspapers, that he should have said that he (the President of the Republic) did not keep his promises. "I deny it," said His Honour, emphatically. "Let him specify one instance in support of his statement." Proceeding, the President said that he could see that under all there was only one grievance. They wanted the country to be given to England. That was the chief point of the whole matter. But now he could see that many people of the Rand were with the Government. Two or three thousand had signified their satisfaction of the Government's policy. That had been shown in the newspapers. The majority of these people were foreigners, English, Americans, Germans, &c. They came from abroad. Concluding, His Honour said that he was speaking merely of what the newspapers made out that Mr. Chamberlain had said. He did not know whether the reports were correct or not, but if they were he could only say that the statements were untrue. This was all he had to say. The burghers could now put any questions desired.

Mr. Jacobus van Heerden said that he wanted to ask the President about Mr. Chamberlain's speech. He wanted more information. How could Mr. Chamberlain talk of forgetting or forgiving when he countenanced raids into the country. The speaker was entering on a heated diatribe when the President excitedly interrupted him with the request to desist.

His Honour explained that "the forgive and forget" policy was enunciated in his Proclamation at the time of the Raid. He said that he would forgive all but the principals in that trouble. He desired to show what he would do, and he had done it. It was not at Mr. Chamberlain's request that he did this. He did not give him a promise. It was merely his (the President's) voluntary declaration to the people. As they all knew, it was in opposition to the wishes of many of his countrymen. Many opposed his action, but he, nevertheless, felt that what he did was right.

Mr. van Heerden asked again how could they forgive and forget after 1880 and the subsequent attempt to enter the country again.

The President: That is not the question. You asked me if I promised Mr. Chamberlain.

Mr. van Heerden (interrupting): You said you promised Mr. Chamberlain to forgive and forget.

The President (warmly): I never said anything of the kind.

Mr. van Heerden: Very well, to come back to our subject—(*sotto voce*)—the reporters can show whether he said it or not.

The President (with increased warmth): No, we won't go back—(turning to the reporters)—he says I said I promised Mr. Chamberlain to forgive and forget. Did I say that? The reporters giving an unanimous negative, the President proceeded to say that the only promise he had given was in the proclamation at the time of the trouble. He knew many were against him for it, but he nevertheless carried it out. He said that he would not punish any but the chief culprits, and as all present were aware he kept that promise. He merely wanted to demonstrate that he had been falsely accused.

Mr. Koos Malan could not agree with the President that the owner of surface rights on bewaarplaatsen should have preference in the purchase. He held that they should be put up to auction.

The President pointed out that by the method he proposed the State could suffer no loss, while it would be conferring a benefit on the surface owners. The State would have the properties valued, and the surface owner could have the option of acquiring bewaarplaatsen at this valuation. This would not apply to all, but only to those who had buildings on the surface, or portions adjoining the mines. They should do this if only to convince the world of their desire to meet the Mining Industry. The English people here would now only treat with him (the President). They would not treat with Mr. Chamberlain. Well, the remaining bewaarplaatsen could be disposed of by auction, if necessary, or they could be leased. That was the proposal he wished to make to the Raad. If they did not adopt this course they might run the risk of being the losers. He recollected once down in Carolina offering a man £15 for three sets of harness. The man refused, as he thought that he could get a better price. At the auction, however, the man only got £5. That should be a lesson. It was better to have the properties valued and give the people an opportunity of paying the amount. It would be conferring a favour without any corresponding loss to the State. If the auction system were persisted in perhaps the State might lose by the transaction. Moreover, they must also keep the political aspect of the case in view.

Mr. Malan objected to half the purchase price going to the surface owner.

Mr. Schalk Burger said it was provided by law that the owner should get half the purchase price, just as he got half the licence dues.

Mr. Malan asked if it was not better to alter this arrangement.

Mr. Burger: In what way?

Mr. Malan said that all the minerals belonged to the State. The law gave the owner sixty claims, his werf, and his share of the licences. Well, that should be enough. Bewaarplaatsen should go entirely to the State. The burghers had paid for the land with their blood, and he thought that the owners should be quite satisfied with the claims, werf, &c. The whole of the proceeds of the sale of bewaarplaatsen should come to the State. In this way those poor people who were not fortunate enough to have gold on their farms would derive some benefit from the presence of gold in the Republic.

Mr. Burger said that that was only one side of the case, but what of the other. Suppose he had a farm on which gold was found, how would he feel if the State stepped in and confiscated the whole lot, just because he happened to be more lucky than this neighbour. Such an arrangement would never meet with the approval of the people. It was impracticable.

Mr. Malan maintained that the owners of gold farms would still have their claims and the rest.

Mr. Burger replied that this, after all, was a side issue. It had to be decided by the Raad that bewaarplaatsen should be sold. The only question now was whether the public were agreeable to this being done by auction or by valuation, as desired by the President. They did not stand to lose anything by the valuation system, for the Rand was now so well known that bewaarplaatsen could be assessed almost to a penny.

The President said that Mr. Malan was going into details which affected the Legislature. There was no getting away from the fact which at present existed that according to the law the owner must have half of the proceeds of the sale. Why should the owner be injured by depriving him of his half-share?

Mr. Malan desired to know the cause of the hurry in this bewaarplaatsen matter. Why could it not be postponed for a little?

The President replied by asking why it should be postponed? The Raad had already decided on the matter. They had decided to sell bewaarplaatsen. They could only do this or throw open the ground, which would be unsatisfactory to the State and to the owner. It was much better to have the bewaarplaatsen valued and to offer them to the surface owners. If they would not pay the price asked, then the properties could be disposed of by auction. By this means the State would benefit greatly, the public would benefit greatly, while the action was one of considerable political value.

Replying to a further question by Mr. Doors du Plessis, the President said that if they were not careful this might be a case of the harness mentioned before. If a man offered £100,000 for bewaarplaatsen, and the Government persisted in selling by auction and only got a bid of £50,000, it was not likely that the man who offered £100,000 in the first place would be willing to pay that to the Government for the property. But the Government would value the bewaarplaatsen and give the surface owners a chance to buy out of hand. In the event of their not doing so, then an auction would be resorted to.

Mr. Du Plessis said that the people were anxious to know why the Government was so anxious to sell the bewaarplaatsen. Now, was it because they wanted money? Was disposal at present absolutely necessary.

The President said that when the boom occurred in Johannesburg everything was so dear that they got almost any price for commodities. At other times one could get hardly any price at all. Thus it was with bewaarplaatsen, and they wanted the money. For what? Well, he would give them a single example of the necessity of money. It was a small one, but it would serve his purpose. Agriculture was declining, whilst the mines flourished. Now, even were the mines to flourish thrice as much as they did at present, agriculture would not without assistance, and that was why he wanted the money. He wanted to help the burghers with the money. They could raise small loans from the Government, and buy cattle and agricultural implements to improve their land. In that way the inhabitants would derive direct benefit from the mines and agriculture, while the entire State would be improved. (Applause.) If, after the expiry of the loan period, the farmer could not pay, the Government would give him time. If he still could not liquidate his debt, his property would at last revert to the Government, and not to speculators. The Government would always be at liberty to lease these farms to the burghers, and if they could not pay, let them occupy them on the condition that improvements were being made.

Mr. du Plessis expressed satisfaction with this explanation of the case. The burghers only desired to know the reason for the sale of the bewaarplaatsen. He enquired if the dynamite factory were done away with, would the manufacture of cartridges in the State share a like fate?

The President replied that it would naturally be the case. As he had explained, the powder factory and the dynamite factory were combined.

Mr. du Plessis: In that case we would have to get cartridges from foreign centres?

The President: Yes, certainly.

Mr. Du Plessis: And will they cost us more than 15s., what we pay at present?

The President replied that probably competition would tend to decrease the price. The local factory was a competitor, and, if it was removed, the price locally might rise. Dynamite was a case in point.

Mr. du Plessis asked if foreign countries would not also prevent importation of ammunition into the country?

The President replied that he could not say that they would do so. They might also stop dynamite, in which case they could not work the mines. In that respect, dynamite was vital to the independence of the State. The President created much merriment by the narration of a story of a farmer who, so long as he could get vegetables, &c., from his neighbour, rested in snug complacency, but the day came when all refused to supply him. Then he had to starve. That might be the position of the Republic if the local industry was abandoned, and neighbours were relied upon for supplies. As regards the manufacture of dynamite, nearly all the ingredients could be obtained locally, but the cost of obtaining them was often so great that it was better for the sake of keeping down the price to import the material and compound it here. If the factory were abolished it would be a shock to the financial credit of the State. They would not be able to get money for other factories, a wool factory, for example. As he had said before, the concessionaire of the wool factory was still looking for money, as the people were chary owing to the many reports about the treatment of the Dynamite Company. What he wanted was to make the factory a State concern. Then he would disarm the contention of those who might say that the concession was against the Convention, inasmuch as it was not free trade to all. But even if the State had the factory, he doubted that they would make a better profit than they derived at present, for now the company had agreed not to write off anything against the capital, provided the State took over the factories, &c., at the end of the contract period. It must be remembered that at present the factory did not belong to the State. It was only a monopoly. In fact, the company, perhaps, would only be too glad if the State would not expropriate the factory. If they did, then they would have their farms, their factories, and their railway lines, all of which they could sell in Europe. As regards the prospect in the event of war, he could say that they had enough material at the factory for three years.

Mr. Robinson wished to know what benefit the Government derived from the Dynamite Company. He said that the State had to forego 5s. per case. What benefit was that to the State?

The President replied that there was no other excuse for the existence of the explosives factory. The very fact of its existence prevented their neighbours from, metaphorically speaking, cutting the throat of the Republic. Moreover, including the £3,000 from the Powder Factory lease, they should derive £117,000 as their share of the profit of the sale of dynamite per annum.

Mr. Robinson still failed to see where the good came in of foregoing 5s.

The President said that that was not for the company, but for the mines. For the benefit of the industry, £70,000 had been abandoned. He was anxious to help the mines still further. He did not want to overburden them.

There being no further questions on this subject, the President said that he wished to say something about the removal of the tobacco duties. It perhaps did not find favour with many there, but he could declare that the action of the Executive was prompted by a desire to benefit the tobacco growers. Hitherto there had been a duty of 6d. per lb. on all tobacco from the Cape and Natal. About 300,000 lbs. were imported annually, which meant £8,000 in revenue. There was no difficulty in computing this as, its being subject to duty, a record was kept of every lb. imported. He endeavoured to ascertain how much was exported. This was less easy, as they only had the railway returns to guide them, and these did not show all that was exported, the growers in Christiana, Vryheid, and other Border districts sending their crops across by wagon. However, it could be roughly estimated. The export amounted to a million pounds. His fear was that had they not removed the 6d. duty off the Natal and Cape tobacco, a duty would have been placed on their local product, which would have detrimental effect on the export sale. They could not consume all the tobacco that was grown locally, and the result of their not removing that 6d. might have been the placing of a 1s. on their weed. The Executive Council had studied the question carefully, and had concluded that the removal of the tax was the better course. For where would the grower be with his export hampered by the removal of the local duty. The grower had little to fear practically. The Cape tobacco imported was used by the natives, while there were instances of people importing Cape tobacco and mixing it with the Transvaal weed, 50 lbs. of the former and 10 lbs. of the latter, and sending it back to the Cape as Transvaal tobacco. Under all the circumstances, he thought that the best had been done in the interest of the tobacco growers.

Approval was expressed by the meeting at this elucidation of the case.

The President, proceeding, said that he would ask the burghers to consider the matter well. If they intended sending memorials to the Raad, they should be to the effect that the Government must do its best to promote the export of Transvaal tobacco. He referred to other articles, meal and mealies, &c., which affected farmers, and to the duties on which alterations would be made. He laid particular emphasis on the tobacco question. However, he had heard that memorials were being circulated against the removal of the tax. Proceeding, the President said that he heard that memorials were being circulated, having as their object the expropriation of the railway line, including the Delagoa line. As the burghers must know all the treaties with the foreign Powers had to be passed by Her Majesty's Government. McMurdo had the Portuguese portion of the line first of all, and had a high tariff, which he refused to reduce. He believed that it was £1 10s. per ton per mile. He would not be certain on this point. Perhaps it was a little less, but allowing that it was at £1 per ton per mile, who was there who would bring his things into the Republic on the line, a portion of which required such tariff. So he (the President) urged the Raad at that time not to build a line. Later the Portuguese expropriated the section of McMurdo's line, with the result that litigation was now proceeding. However, the tariff was now reduced to 6d. per ton per mile, which was a vast difference. So a contract was made for the construction of a line in the State from the Portuguese end. Acording to the contract, the existing tariff was only recognised as long as the line in this end was in the hands of a private company. If it were taken over by the Government, then the tariff would cease, and would probably be raised. That was why he opposed expropriation, at least, till the litigation was finished.

In reply to a question by Mr. Malan in regard to the Cape boys, the President said that British subjects had the same rights outside the domain of politics as the burghers of the Republic.

Mr. Malan wished to know whether the Cape boys were within the jurisdiction of the Pass Law.

Mr. Schalk Burger said that a special law was applicable to the Cape boys and African-born coloured people of the same degree of civilisation. They paid a special licence receipt which constituted their permit or pass. In the recent Lombard case it was clearly shown that the Cape boys concerned had not complied with the law in this respect.

Mr. Malan said that he was aware of the existence of a special law, but he was anxious to know whether it was within the power of the Government to apply the Pass Law of Kafirs to Cape boys as well if they choose so to do.

Mr. Schalk Burger replied that that was always open to question, because these Cape boys were British subjects, and the Convention spoke of British subjects without the specification of Cape boys, save, of course, Kafirs, &c.

The President said that he was doing his best to have this matter amicably arranged.

Mr. Malan wanted to know what had become of the acount in connection with the Jameson Raid. (Applause.) Had the Government sent in the account to Her Majesty's Government?

Mr. Schalk Burger said that the account had been sent in, and the British Government had agreed to pay moral damages, but it was not a moral claim, which amounted to a million sterling. The Government had sent in the accounts as desired, and if the British Government would not pay the million sterling they would not make it a cause of war, but would bear the fact in mind as a trump card to be used at some future date.

Mr. Malan, referring to the Civil Service of the State, regarded the existence of assistant head officials as unnecessary. He would like to be enlightened on the point, if he was mistaken.

Mr. Schalk Burger said that assistant head officials were most necessary in several of the departments, so as to take charge when the chief was away, either doing duty on special commissions of inspection or was from other causes absent from the office.

In reply to a question by Mr. Malan about the Rustenburg railway, the President referred to the conditions of the Free State Convention, by which the Republic undertook not to construct the lines to certain points west without the sanction of the Free State, provided the latter showed a similar consideration to the Republic in respect to certain lines in the Free State. On this account the construction of the line from Pretoria to Krugersdorp was necessary, otherwise he feared that the Free State would refuse to agree to the extension of the line from Rustenburg westward to Marico. It was better to adopt the route decided upon, as not only were they connected direct with the capital, but also with Johannesburg and the gold fields, while at the same time there was every likelihood of getting a line to the people of Marico. It was absolutely essential that the line should be direct to Pretoria, for in the event of an enemy invading the country, it must not be necessary for the burghers to have to seek a communication with the seat of the Government through Johannesburg, which might be in the hands of the enemy. In time there might be a grain line to the Rand, but by opposing the wishes of the Free State in this matter, they would run the risk of the Free State constructing a line from Harrismith to Viljoen's Drift, and thus diverting much of the traffic. The best policy was to show consideration to their neighbour in this matter, and in any case the burghers should trust the Government, who could be relied upon to do their best for the welfare of the State.

Mr. du Plessis said that they all trusted the Government. The only object of their questions was to enlightened on certain points which had been obscure.

The President repeated that they must have implicit faith in the Government. There were many things which, for reasons of State, had to be kept private for the time, but would become known later. The secret service fund was a case in point. Some members of the Raad wanted the secret service expenditure discussed in the Raad, but why should that be if they agreed to the expenditure. It would be no longer secret. Surely it was sufficient that the members of the Estimates Commission went through the items of expenditure, and approved of every penny. He called to mind the remark of Mr. Labuschagne in the Raad when this matter was discussed. It was that the burghers should bear in mind that Samson lost his strength simply because he could not keep a secret. That fact should be kept in mind.

Mr. du Plessis expressed belief that the Government had too many civil servants. The burghers thought that the expenditure might be cut down by decreasing the Civil Service strength.

The President said that to decrease the present staff was impossible. There was more work than could be tackled. Mr. Schalk Burger could testify to this.

Mr. Lampen asked why the Government did not grant Rustenburg money for making arrangements for a proper system of water supply. Other towns got grants for water, street repairs, and the like, and yet Rustenburg, the oldest town in the State, was neglected.

The President asked what other towns got money.

Mr. Lampen: Lichtenburg, Volksrust, and other places.

The President pointed out that these centres had to have a water supply made for them, while here in Rustenburg there were natural springs. Hence the townspeople would never suffer through the lack of water. Moreover, much of the money voted was to help the poor, and the condition of the State finances did not warrant more expenditure in this direction than was necessary.

Mr. Lampen then inquired with respect to trade schools.

The President said that arrangements had been made for the establishment of these in each district. A Commission had been appointed to investigate in each centre, and to report to the Government on the prospect.

Mr. Lampen said that such had been done here. A local Commission had reported favourably to the establishment. A minute had been sent to the Government, and nothing had yet been done. The only reply received was that it would be attended to.

The President said that was quite sufficient. He wanted to get all the reports, and see how to proceed after that. Everything appeared favourable to the establishment of a system of technical schools.

After one or two minor matters of parochial interest were referred to, the meeting closed.

No. 69.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 3.4 p.m., April 22, 1899.)

Telegram.

April 22. Resolution passed by meeting of workmen at Village Main Mine April 20 to the following effect: No settlement acceptable unless giving equal political rights for all whites. Attitude of representatives of Industry approved. Franchise memorandum indicates smallest acceptable measure of reform. No final arrangement until after consultation with representatives chosen by community.

No. 70.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.35 p.m., April 24, 1899.)

Telegram.

April 24. Referring to my telegram of April 22,* similar Resolution passed unanimously at Working Men's meeting Wolhuter, Goch, Spes Bona, and Jubilee mines, held April 21.

No. 71.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 3.40 p.m., April 27, 1899.)

Telegram.

27th April.—British Agent in South African Republic reports at a working men's meeting held at Boksburg, 24th April, resolutions identical with those passed by previous similar meetings were carried unanimously, together with one supporting recent petition to Her Majesty the Queen.

No. 72.

SOUTH AFRICAN LEAGUE CONGRESS to Mr. CHAMBERLAIN.

(Received 5.40 p.m., April 27, 1899.)

Telegram.

Congress refrains from discussing the position of fellow subjects in the Transvaal Republic because strong language seems inexpedient at this juncture, and no other kind of language could be true or adequate: passed in silence, Congress standing.

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* No. 69.

No. 73.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.38 p.m., April 28, 1899.)

TELEGRAM.

28 April.—British Agent in South African Republic reports at working men's meeting held 26 April at Glen Rosedeep and Newheriot mines resolutions identical with those passed by previous similar meetings were carried, together with one enclosing petition to Her Majesty the Queen; further resolution carried at latter meeting to appoint delegates to meet delegates from other meeting to consider action for insuring necessary measures of reform.

No. 74.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.30 p.m., May 1, 1899.)

TELEGRAM.

1st May.—Referring to my telegram of 28th April,* British Agent reports similar resolution passed by Weitling, Jumpers, and Nourse Deep mines.

No. 75.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 1, 1899.)

SIR, Government House, Cape Town, April 11th, 1899.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the visit of President Kruger to Johannesburg.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 75.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Johannesburg, April 3, 1899.

WITH reference to my telegram of the 1st instant, I have the honour to transmit to Your Excellency herewith a report of the President's speech, delivered at Johannesburg on that date, taken from the "Star" newspaper.

The "STAR," Saturday, April 1, 1899.

CHAMBER OF MINES.

Mr. A. R. Goldring, Secretary of the Chamber of Mines, then came forward, and, on behalf of Mr. Rouliot, the President, read out the following address on behalf of the Chamber of Mines:—
To His Honour the State President of the South African Republic:—

May it please Your Honour,—We, the undersigned, the Executive Committee of the Chamber of Mines of the South African Republic, beg to tender to you, on behalf of the mining industry, a hearty welcome on this, the occasion of your visit to Johannesburg, and desire to express the hope that your Honour may find it possible to visit this town more often, as we are convinced that, by increased personal intercourse between your Honour and this community, the obstacles to a better understanding between the Government and the inhabitants of Johannesburg will be removed.

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* No. 73.

We have noticed the speeches recently delivered by your Honour, and regard them with satisfaction, as indicating a desire to remedy the disabilities under which this community generally, and the mining industry in particular labour.

We trust that, after having ascertained the views and wishes of all directly concerned in the settlement of the various questions which excite differences in this country, your Honour will have such steps taken as will remove all existing difficulties and ensure the progress and prosperity of the country.

We beg to be allowed to assure your Honour that the mining industry will be happy to render the Government all the assistance in its power in arriving at so desirable a consummation, and in helping to establish the lasting prosperity and welfare of the country and people.

Chamber of Commerce.

Mr. Adolfs, on behalf of Mr. Hosken, Chairman of the Chamber of Commerce, then presented the following address from the Chamber of Commerce:—

To His Honour Stephanus Johannes Paulus Kruger, State President of the South African Republic:—

Honoured Sir,—The Johannesburg Chamber of Commerce desires to express its gratification and pleasure in being able to welcome you in Johannesburg.

The cloud of commercial depression that has hung over our town and district for the past two or three years shows signs of being removed, and already an improvement in the commercial outlook is evident.

Commercial men, in common with all other residents in the State, are greatly interested in the public statements recently made by Your Honour, and are gratified to find many questions of the utmost importance to the community as a whole, and the traders in particular, are to have the favour of your immediate care and attention.

Amongst questions affecting the whole of the community, the franchise is of the chief importance, and amongst questions mainly affecting the mercantile section must be placed the proposal to appoint a competent State Financier, who will advise the Government on fiscal matters. The incidence of taxation and want of finality in fiscal matters is one especial point of difficulty that traders have to contend against, and Your Honour's statements regarding the attention to be given to such financial questions have been received with the liveliest satisfaction by merchants and traders.

On behalf of the Chamber of Commerce, we again extend to your Honour a cordial welcome to Johannesburg.

Signed in the name of the Chamber of Commerce of Johannesburg.

(Signed) William Hosken,
Chairman.

Johannesburg, Z.A.R., April 1, 1899.

The address was signed by Mr. Wm. Hosken, the President, on behalf of the Chamber.

The President's Reply.

The President, in coming forward to acknowledge these tokens of welcome, was received with cheers, his response being translated by the State Secretary. "Burghers," said the President, "at different times the people of Johannesburg have desired me to hold a meeting here—(hear, hear)—but you must understand that when I speak, if there is a noise, it is a proof that it is not true, for that will show that you do not want to hear me; but if you are quiet I shall see that you do want to hear me, and then I shall be glad, and feel joyous that I came—(hear, hear)—and it may happen again that I shall come over. I first want to answer the addresses shortly. I say, in reply to all the addresses, that I tender you my hearty thanks for all the kinds words therein contained. I also thank this large meeting that I see here before me, for having come here. (Hear, hear.) I wish to say only a few words on the addresses now, as I shall reply to them in writing when I return home. (Hear, hear.) But I wish now to speak about my policy, as to the way I think, and desire to govern the country, and think the country should be governed.

You will have read in the papers about the meetings that have already taken place, what I have spoken with regard to these matters. Now, I will speak upon each point again, separately, but briefly.

The Franchise.

The first point I wish to speak about is the franchise. I would not be worthy to be the head of the State if I did not protect the old burghers. Nor would I be worthy to be the head of the State if I did not bear in mind the interests of the new population with the object of helping them. I make no distinction between nationalities. I only make a distinction between good and bad people—between those who are loyal and those who are not. (Hear, hear, and "Quite right.") You all know that when we first discovered these goldfields and they began to be worked, the franchise was given to anyone who had lived here a year. But when from all countries and all nations people began to stream in, it became our duty to prevent the old burghers from being overwhelmed. I would not have been worthy of my position if I had allowed the newcomers to immediately sweep away and overwhelm the old inhabitants of the country. Then the law was made that after two years' residence a man could get himself naturalised. Then he would have a vote for the Second Valksraad and Commandants and Fieldcornets. After two more years' residence—that is, four years in all—he can be elected a member of the Second Volksraad, and from that time he would still have to wait ten years before he could have the full franchise in this country; and the reason of that was that at the time that this law was made the original inhabitants of this country—the pilgrim fathers—were but a handful, whereas there were coming thousands and thousands of new people into the country. But then the law was so stringent that a man had to wait twenty years before he could become a full burgher of this country; but now it is 14 years in all. When we made that Franchise Law the burghers who had the right of voting were only about 12,000, so that it would be very easy by other strangers coming in and getting the franchise immediately to swamp those original inhabitants; but now the original inhabitants and their descendants amount to about 30,000 or 40,000. Therefore I wish now to propose to the Volksraad to diminish the time for giving the right of voting, and to reduce it by five years. (Cheers.) Then they

will more easily be able to become full registered voters, and after a time—say, perhaps, ten years—if I am still alive, or if not, my successors—I would then propose to the Volksraad to make the time still shorter, for you see that in other countries where the time which must elapse before a man can become a full voter, get the full franchise, is shorter in Europe and the United States and other countries, but these countries contain an immense population as compared with the newcomers, whereas here it is the converse. I might have been able to do this sooner had it not been that there are some—of course, I exclude all those who are true and loyal and friendly—who make trouble; and by doing so, and going to others instead of coming to me they make it difficult for me to do what I wish to do. Everyone of you will eventually be convinced that if we go along in a friendly manner, and if you gain the confidence of the old inhabitants of the country you will get the full burghership sooner than otherwise, for you must understand that I have got to carry my old burghers with me in any movement of this sort, and when we are on the point of succeeding some trouble or other arises, and I am prevented from doing what I wish. You must understand thoroughly that we do not allow bigamy in this country. (Laughter.) By speaking of bigamy, I am referring to the Government of this country, and of the British and other Governments. A man cannot marry his second wife; he must first get a divorce from his first wife. I am referring to naturalisation. A man cannot serve two masters, and if he has two wives he will despise the one and respect the other. Therefore if a man wants to make this country his home and become a burgher, he must first become naturalised. If he does not desire to do that, and wishes to remain a stranger, I will treat him as a stranger should be treated, with all hospitality. (Applause.) So long as he remains obedient to the law, I will help him to make money and get on in this country, and live comfortably; and when he goes away, having perhaps made enough money, I shall always be sorry, if he has loyally behaved himself, and should he wish to return we will always receive him with open arms.

The State Financier.

I now wish to speak about the State Financier. Our State is young, and has grown up suddenly, and we all see it, the Executive Council as well as myself, and we require a good financier to look after our money matters. (Hear, hear.) For the taxation does not press evenly, and that must be regulated. (Hear, hear.) Such a financier would have to see and examine and report where and how these matters may be regulated, where a tax can be taken off and where another should be imposed. (A voice: "Put it on the capitalists.")

The Bewaarplaatsen.

Then I also intend to bring before the Volksraad the question of undermining rights (bewaarplaatsen). The resolution of the Volksraad says that they must be all put up to public auction, but I say that that would be somewhat unfair to the people who have the surface rights, and allow others to creep in and trouble them, and it would be better therefore to have these things valued and sold out of hand to the parties most interested. (A voice: "Quite common sense.") But you must understand that these are all resolutions of the Volksraad, and I must bring these matters before the Raad before any final decision can be taken.

The President's Promises.

Then I hear it stated in the newspapers that I do not redeem my promises, and I deny it. You must not look at what the newspapers say about it, but at what I say at the meetings of the people and in the Volksraad. After the Jameson Raid, I said I wished to forgive everyone except the leaders, who should be punished. (Hear, hear.) In the second proclamation I said if they would give me a chance I wished to forgive and forget, and I have acted in accordance therewith. But there were others, who have not helped in that direction. They make a noise, and trouble, and my people say, "You have not done as you promised.' But if you will co-operate, and work along with the Government and the Volksraad, then such things will not occur again. (Hear, hear.) Because, then you strengthen my hands, so that I can get these things passed by the Volksraad, and agreed to by my burghers. (Hear, hear.)

The Petition to the Queen.

Now, I want to ask you if that is an encouragement to me? I have had two meetings, and especially at the last, at Rustenburg, I stated my views, and then they make memorials and send them to other countries. Some of my burghers said to me, "Look! You want to help them, and they send memorials to other countries against us." Then I said to them, "Don't count the population of Johannesburg as a whole. It is only a small number—a small portion—who want to make trouble like that." (Hear, hear, and cheers.) I cannot lay the blame on the large majority that wish to work in friendliness. I must go on with my work and help them. (Cheers.) I see in the papers that Mr. Chamberlain said I have not kept my promises. If he said so—I do not know whether he did—then it is those untruthful people have made him believe that. (A voice: "Sir Ashmead Bartlett.") They want to say they are oppressed, and have grievances, but the trouble with some men is, not that they have grievances, but that they want to be from under this Government and under another. (A voice: "No.") I said at Rustenburg, and elsewhere, that I saw the majority were satisfied when I said that "Those making trouble wanted to fish in troubled waters." They do not want peace; they want trouble. But I hope that I may be able, as I intend, to bring these matters before the Volksraad, and get them to agree to what I desire; and then I trust that your wish in these matters will also be granted. (Cheers.) Even as regards the franchise, if you show sympathy with what I am trying to do, you will not, I think, have long to wait before you get the full right of burghership. But if every time I am making these attempts people make trouble, you must not go and lay the blame on me when the Volksraad rejects it; you must lay it in the right quarter, for I must get these things through the Volksraad; and not only must I get them through the Volksraad, but I must also convince my burghers of the justice of what I am proposing. I shall trust that you will loyally obey the laws and work together with me, and then you will see that I will act in accordance with my promises. (Loud cheers.)

At this stage His Honour retired to his seat, remarking, as he did so, "They may say what they like, but I say there is more than a thousand men here." (Laughter.)

THE DYNAMITE FACTORY.

Coming forward to the front of the platform again, the President proceeded: There is one thing I almost forgot—the dynamite factory. I want to have factories in this country, and, come what may, those already existing I will not break down. I did not start these factories to do mischief to the mines—the mines are also portion of this State—but I did it to help them, and I am doing my best to take over the dynamite factory. But you must understand that I cannot take it over on my own terms until the end of the contract, unless the company agrees, for I cannot make a contract with anyone or with any company, with shareholders in Europe and all over the world, and then break it—I cannot do that suddenly. But I am trying my best to cheapen dynamite for the mines in the meantime. I think at present that I shall be able to get the price reduced to 70s. per case; but there is an article in the contract whereby I have the right within three years from now to diminish the price in accordance with the ruling prices in Europe, and you will see that I shall do that. (Cheers.) You can dispute as much as you like. You have got more than a thousand people here to dispute with. (Laughter.) I have to bid you farewell now, as my time is limited, and I have to go. I thank you very much, and I am pleased at the large gathering here. I hope you will go back, and do your work, and I will do the work that I have promised to-day to you. (Cheers.)

At the conclusion of His Honour's speech, cheering was maintained for a few minutes. The Presidential party then entered the carriages, which were in waiting, and drove to the Cigarette Factory.

AT THE ACME CIGARETTE FACTORY.

In response to an invitation, the President visited the Acme Cigarette Factory, in the City and Suburban Township. The leading officials and many other gentlemen were also present by invitation.

No. 76.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 1, 1899.)

(Extract.)

Government House,
Cape Town, April 11, 1899.

I HAVE the honour to enclose a copy of a despatch containing a report from Mr. Greene of an interview which he had during his recent visit to Johannesburg with a deputation of working men. I venture to call particular attention to the views expressed, as they come from a class of the community who are frequently represented as taking no interest in questions of political reform.

As you are well aware, it is a favourite device of the Government organs in the South African Republic, and of the apologists of the Government elsewhere, to attribute the reform movement, which is once more assuming such formidable proportions, to the intrigues of "Capitalists." In order to checkmate that movement, a great effort has lately been made by the "Standard and Diggers' News" to sow dissension between the leaders of the mining industry and the bulk of the Uitlander population. Whatever success may have attended that effort, I do not believe it has had the smallest effect in reconciling the middle or working classes of Johannesburg to the methods of Boer Government, or in making them regard otherwise than with extreme aversion a system under which they are constantly made to feel that they are aliens, inferiors, and suspects in the eyes of the ruling caste. Some of them, whose only desire is to get out of the country as soon as possible, are in favour of peace and quiet on any terms simply because they reckon on making money faster, and therefore getting away faster than they could do in a time of political unrest. But those, who from necessity or from choice foresee a longer sojourn or permanent residence in the country, feel deeply the indignity of the position, and in view of their enduring interests in the country, are less tolerant of a misgovernment that may affect them and their children for long years. These are the men—and they number many thousands—who, of all the Uitlanders, would probably make the best citizens of the State, yet whose admission to citizenship is at present subject to conditions which render it difficult and almost impossible. But it is plain that without civic rights they can do nothing for themselves in the way of removing those evils, injustices, and dangers of which they complain.

It is true that President Kruger has of late expressed his intention of lowering the barrier which stands between the Uitlander, however well fitted for citizenship, and the attainment of full burgher rights. But an examination of his proposals goes far to dispel any hopes which might be based on the President's expressed desire to "extend the hand" of welcome to the Uitlander. All that these proposals come to is a reduction of the period of probation between naturalization and the attainment of the full franchise—*i.e.*, the right to vote for members of the First as well as of the Second Raad—from 14 years to nine. After, as before, it will be impossible for a man not hitherto naturalized

to attain full citizenship in less than nine years from the present time, even though he may already have been resident for 15 years in the country. After, as before, he can only be naturalized—*i.e.*, admitted to the period of probation in which he has lost one citizenship without attaining another—by an oath, in which he not only swears fealty to the South African Republic, but renounces, with offensive emphasis, his existing allegiance. After, as before, his admission to full citizenship, even after this renunciation and the nine years probation following it, will depend upon the consent of two-thirds of the burghers of his district and the approval of the Government. In fact it is not a *right* at all which he gets by his naturalization and all that he sacrifices for it, but merely a *prospect* which the caprice of the old burghers or the Government may render for ever delusive. Add to this that a simple resolution of the First Raad, passed at 24 hours notice, may at any time upset the proposed arrangement even should it become law, and the naturalized Uitlander, at the end of his nine years probation, may wake up any morning to find that it has been prolonged for another nine—or ninety. Finally, be it observed that if all the Uitlanders in Johannesburg were to be naturalized, and even if these new citizens should outnumber the old ones in the whole of the Transvaal, they would still only return two members in a Raad of twenty-eight.

This is the outlook for the gentlemen who waited on Mr. Greene and others of their class, when their rulers are in a yielding and conciliatory mood. It is small wonder if they find little comfort in it. Yet what are they to do to make things better? They cannot fight, being unarmed, and as carefully guarded as the prisoners in a gaol are by their warder. They cannot agitate constitutionally with any hope of success. It is to this *impasse* that we owe the petition which I had the honour to transmit to you a fortnight ago, and the whole moral justification of which lies in the fact that the people who are calling to Her Majesty's Government to help them would be ready enough to help themselves, if they were not absolutely debarred from every means of doing so.

Enclosure in No. 76.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, April 6, 1899.

I HAVE the honour to report that on the occasion of my visit to Johannesburg last week I was waited upon by a deputation of British working men from the Rand. The deputation, which included members of the following crafts, viz., miners, bakers, stonecutters, store-keepers, sign-painters, engineers, book-keepers and electricians, and two of whom were secretaries of trade societies, explained that they held no actual brief from the working men of the Rand to speak on behalf of the community as a whole, but that I might take their statements as representing the views of their fellow workmen. As the field covered by the discussion was a wide one, I will briefly summarize the points touched upon by the speakers.

(1.) LAW AND ORDER.

The speakers instanced the killing of Edgar, a respectable man and well known to those present, as an example of the unwarrantable conduct of the police. They complained of the fact that police armed with revolvers terrorized an unarmed population. They stigmatized the verdict in the Edgar trial as a farce, and especially drew attention to the remarks of the presiding Judge, commending the conduct of Constable Jones as an incitement to similar action in the future. They mentioned that a case had since occurred where a policeman had fired his revolver at a white man in the streets and narrowly escaped killing him. They trusted that Her Majesty's Government would speak with no uncertain voice on the subject of securing due protection for law-abiding British working men in Johannesburg.

(2.) PUBLIC MEETING.

The deputation complained of the impossibility of making their views known on any question owing to the law forbidding the above. They instanced the breaking up of the League Meeting in the Amphitheatre by a party of organized Boers, as making it no longer possible for the public to meet without fear of bodily harm in a building, and, as open-air meetings were not allowed, they asked where and how they could now meet.

They asked if the Government prohibition of the right of free meeting and speaking was not against the London Convention.

(3.) Mr. Chamberlain's Speech.

The speakers commended the tone of the above, and declared their confidence in Her Majesty's Government. They noted that the Secretary of State had said in his speech that the Uitlanders had not asked him to interfere on their behalf, but this statement was now, they declared, disposed [or] by the independent action of the Uitlander Community in sending a solemn petition to Her Majesty the Queen, setting forth the intolerable condition of affairs under which they lived.

(4.) Municipality.

The speakers declared the present system to be a gross abuse. Those who paid the taxes saw no return for their money, and had no practical voice in its expenditure. The hygienic conditions of the town and the state of the streets were disgraceful; they declared the existing Municipality to be a concession-mongering ring and instanced the Mendelssohn Sewerage Scheme as an example of the scandalous methods of the existing regime. They expressed their decided approval of Mr. Chamberlain's proposal of Home Rule for the Rand, and urgently demanded the right of controlling their own municipal affairs.

(5.) The Franchise.

They expressed their readiness to accept a reasonable scheme of franchise, but declared the President's recent proposals to be valueless, as they did not profess to be retrospective and so made no allowance for men who had been long resident in the country. Moreover, the absence of all mention of redistribution, and the retention of the obligation to obtain the approval of two-thirds of the Burghers, left matters just where they were. They strongly objected to the present objectionable form of oath of allegiance, and asked if, in virtue of the Suzerainty of Her Majesty over the Transvaal, it would not be possible for them to become Burghers of the Republic without sacrificing their British nationality. I explained that it would in my opinion be impossible for them to possess two nationalities at the same time, but that I considered a modification of the existing oath of allegiance, say in the direction of that required in the Orange Free State, to be a reasonable suggestion.

I may add in conclusion that the deputation informed me that they were all men who had made their homes here, and intended to spend their lives in the country.

No. 77.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 2.35 p.m., May 3, 1899.)

Telegram.

May 3. Referring to my telegram of May 1st,* similar resolutions passed by meeting at Roodepoort district and Jumpers Deep.

No. 78.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 1 a.m., May 5, 1899.)

Telegram.

4th May. Having regard to critical character of South African situation and likelihood of early reply by Her Majesty's Government to Petition, I am telegraphing

* No. 74.

remarks which under ordinary circumstances I should have made by despatch. Events of importance have followed so fast on each other since my return to South Africa, and my time has been so occupied in dealing with each incident severally, that I have had no opportunity for reviewing the whole position.

The present crisis undoubtedly arises out of the Edgar incident. But that incident merely precipitated a struggle which was certain to come. It is possible to make too much of the killing of Edgar. It was a shocking and, in my judgment, a criminal blunder, such as would have excited a popular outcry anywhere. It was made much worse by the light way in which it was first dealt with by the Public Prosecutor and by the attitude of the Judge at the trial. By itself, however, it would not have justified, nor, in fact, provoked the present storm. But it happened to touch a particularly sore place. There is no grievance which rankles more in the breasts of the mass of the Uitlander population than the conduct of the police, who, while they have proved singularly incompetent to deal with gross scandals like the illicit liquor trade, are harsh and arbitrary in their treatment of individuals whom they happen to dislike, as must have become evident to you from the recurrent ill-treatment of coloured people. There are absolutely no grounds for supposing that the excitement which death of Edgar caused was factitious. It has been laid to the door of the South African League, but the officials of the League were forced into action by Edgar's fellow-workmen. And, the consideration of grievances once started by the police grievance, it was inevitable that the smouldering but profound discontent of the population who constantly find their affairs mismanaged, their protests disregarded, and their attitude misunderstood, by a Government on which they have absolutely no means of exercising any influence should once more break into flame.

We have, therefore, simply to deal with a popular movement of a similar kind to that of 1894 and 1895 before it was perverted and ruined by a conspiracy of which the great body of the Uitlanders were totally innocent. None of the grievances then complained of, and which then excited universal sympathy, have been remedied, and others have been added. The case is much stronger. It is impossible to overlook the tremendous change for the worse which has been effected by the lowering of the status of the High Court of Judicature and by the establishment of the principle embodied in the new draft Grondwet that any Resolution of the Volksraad is equivalent to a law. The instability of the laws has always been one of the most serious grievances. The new Constitution provides for their permanent instability, the Judges being bound by their oath to accept every Volksraad Resolution as equally binding with a law passed in the regular form and with the provisions of the Constitution itself. The law prescribing this oath is one of which the present Chief Justice said that no self-respecting man could sit on the Bench while it was on the Statute Book. Formerly the foreign population, however bitterly they might resent the action of the Legislature and of the Administration, had yet confidence in the High Court of Judicature. It cannot be expected that they should feel the same confidence to-day. Seeing no hope in any other quarter, a number of Uitlanders who happen to be British subjects have addressed a Petition to Her Majesty the Queen. I have already expressed my opinion of its substantial genuineness and the absolute *bona fides* of its promoters. But the Petition is only one proof among many of the profound discontent of the unenfranchised population, who are a great majority of the white inhabitants of the State.

The public meeting of 14th January was indeed broken up by workmen, many of them poor burghers, in the employment of the Government and instigated by Government officials, and it is impossible at present to hold another meeting of a great size. Open-air meetings are prohibited by law, and by one means or another all large public buildings have been rendered unavailable. But smaller meetings are being held almost nightly along the Rand and are unanimous in their demand for enfranchisement. The movement is steadily growing in force and extent.

With regard to the attempts to represent that movement as artificial, the work of scheming capitalists or professional agitators, I regard it as a wilful perversion of the truth. The defenceless people who are clamouring for a redress of grievances are doing so at great personal risk. It is notorious that many capitalists regard political agitation with disfavour because of its effect on markets. It is equally notorious that the lowest class of Uitlanders, and especially the illicit liquor dealers, have no sympathy whatever with the cause of reform. Moreover, there are in all classes a considerable number who only want to make money and clear out, and who, while possibly sympathizing with

reform, feel no great interest in a matter which may only concern them temporarily. But a very large and constantly increasing proportion of the Uitlanders are not birds of passage; they contemplate a long residence in the country or to make it their permanent home. These people are the mainstay of the reform movement as they are of the prosperity of the country. They would make excellent citizens if they had the chance.

A busy industrial community is not naturally prone to political unrest. But they bear the chief burden of taxation; they constantly feel in their business and daily lives the effects of chaotic local legislation and of incompetent and unsympathetic administration; they have many grievances, but they believe all this could be gradually removed if they had only a fair share of political power. This is the meaning of their vehement demand for enfranchisement. Moreover, they are mostly British subjects, accustomed to a free system and equal rights; they feel deeply the personal indignity involved in position of permanent subjection to the ruling caste which owes its wealth and power to their exertion. The political turmoil in the Transvaal Republic will never end till the permanent Uitlander population is admitted to a share in the Government, and while that turmoil lasts there will be no tranquillity or adequate progress in Her Majesty's South African dominions.

The relations between the British Colonies and the two Republics are intimate to a degree which one must live in South Africa in order fully to realize. Socially, economically, ethnologically, they are all one country, the two principal white races are everywhere inextricably mixed up; it is absurd for either to dream of subjugating the other. The only condition on which they can live in harmony and the country progress is equality all round. South Africa can prosper under two, three, or six Governments, but not under two absolutely conflicting social and political systems, perfect equality for Dutch and British in the British Colonies side by side with permanent subjection of British to Dutch in one of the Republics. It is idle to talk of peace and unity under such a state of affairs.

It is this which makes the internal condition of Transvaal Republic a matter of vital interest to Her Majesty's Government. No merely local question affects so deeply the welfare and peace of her own South African possessions. And the right of Great Britain to intervene to secure fair treatment of the Uitlanders is fully equal to her supreme interest in securing it. The majority of them are her subjects, whom she is bound to protect. But the enormous number of British subjects, the endless series of their grievances, and the nature of those grievances, which are not less serious because they are not individually sensational, makes protection by the ordinary diplomatic means impossible. We are, as you know, for ever remonstrating about this, that, and the other injury to British subjects. Only in rare cases and only when we are very emphatic do we obtain any redress. The sore between us and the Transvaal Republic is thus inevitably kept up while the result in the way of protection to our subjects is lamentably small. For these reasons it has been, as you know, my constant endeavour to reduce the number of our complaints. I may sometimes have abstained when I ought to have protested from my great dislike of ineffectual nagging. But I feel that the attempt to remedy the hundred and one wrongs springing from a hopeless system by taking up isolated cases is perfectly vain. It may easily lead to war, but will never lead to real improvement.

The true remedy is to strike at the root of all these injuries,—the political impotence of the injured. What diplomatic protests will never accomplish, a fair measure of Uitlander representation would gradually but surely bring about. It seems a paradox but it is true that the only effective way of protecting our subjects is to help them to cease to be our subjects. The admission of Uitlanders to a fair share of political power would no doubt give stability to the Republic. But it would at the same time remove most of our causes of difference with it, and modify and in the long run entirely remove that intense suspicion and bitter hostility to Great Britain which at present dominates its internal and external policy.

The case for intervention is overwhelming. The only attempted answer is that things will right themselves if left alone. But, in fact, the policy of leaving things alone has been tried for years, and it has led to their going from bad to worse. It is not true that this is owing to the raid. They were going from bad to worse before the raid. We were on the verge of war before the raid, and the Transvaal was on the verge of revolution. The effect of the raid has been to give the policy of leaving things alone a new lease of life, and with the old consequences.

The spectacle of thousands of British subjects kept permanently in the position of helots, constantly chafing under undoubted grievances, and calling vainly to Her Majesty's Government for redress, does steadily undermine the influence and reputation of Great Britain and the respect for the British Government within the Queen's dominions. A certain section of the Press, not in the Transvaal only, preaches openly and constantly the doctrine of a Republic embracing all South Africa, and supports it by menacing references to the armaments of the Transvaal, its alliance with the Orange Free State, and the active sympathy which in case of war it would receive from a section of Her Majesty's subjects. I regret to say that this doctrine, supported as it is by a ceaseless stream of malignant lies about the intentions of the British Government, is producing a great effect upon a large number of our Dutch fellow colonists. Language is frequently used which seems to imply that the Dutch have some superior right even in this colony to their fellow citizens of British birth. Thousands of men peaceably disposed, and, if left alone, perfectly satisfied with their position as British subjects, are being drawn into disaffection, and there is a corresponding exasperation on the side of the British.

I can see nothing which will put a stop to this mischievous propaganda but some striking proof of the intention of Her Majesty's Government not to be ousted from its position in South Africa. And the best proof alike of its power and its justice would be to obtain for the Uitlanders in the Transvaal a fair share in the Government of the country which owes everything to their exertions. It could be made perfectly clear that our action was not directed against the existence of the Republic. We should only be demanding the re-establishment of rights which now exist in the Orange Free State, and which existed in the Transvaal itself at the time of and long after the withdrawal of British sovereignty. It would be no selfish demand, as other Uitlanders besides those of British birth would benefit by it. It is asking for nothing from others which we do not give ourselves. And it would certainly go to the root of the political unrest in South Africa, and, though temporarily it might aggravate, it would ultimately extinguish the race feud which is the great bane of the country.

No. 79.

CONSUL-GENERAL FOR THE SOUTH AFRICAN REPUBLIC to COLONIAL OFFICE.

(Received May 6, 1899.)

SIR, 58, Victoria Street, S.W., May 5, 1899.

I AM desired by the State Secretary of the South African Republic to hand you herewith, in fulfilment of the request made by petitioners, copy of the contents of a petition signed by about nine thousand Uitlanders, and addressed to the Government of the South African Republic.

I have, &c.,
MONTAGU WHITE,
Consul-General for the South African Republic.

Enclosure in No. 79.

YOUR petitioners beg to submit the following facts for your consideration :—That we are all Uitlanders, British, American, German, French, Dutch, and subjects of other nationalities ; that we have been informed that a very large petition, signed by 21,000 individuals, has been sent to Her Gracious Majesty the Queen of England, and which we know nothing about, and that it is alleged in the said petition that the Honourable Government of the South African Republic gives no protection to life or property, and that their lives and property are in jeopardy, which we herewith most emphatically deny ; that the said petition further states that the general administration is so bad, and detrimental for them and for the country, which we also deny ; that your petitioners have gathered from a very reliable source that the petition to Her Majesty the Queen of England has been caused by the capitalists, not by the public ; and that if the capitalists attain their object it would be detrimental to the whole public, including the Uitlanders ; that your petitioners wish to give your Honours the fullest assurance that they are per-

fectly satisfied with the Government of this State and with the administration thereof; and that we wish to have no other Government.

We do not say that this Government is without its faults, but we know and trust, if any grievances did exist, that the same could be removed between us and the Government without the interference of any foreign Power, and without the advice of capitalists; wherefore your petitioners humbly pray that your Honours will send copies of this petition to the different Governments to which we belong, especially to the English, American, German, French, and Netherlands Governments, and we hope that by doing so all misunderstanding and false reports of rumours and alleged grievances may be lost sight of for all time to come.

No. 80.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 3 p.m., May 6, 1899.)

TELEGRAM.

6th May. British Agent in South African Republic received yesterday note from South African Republic Government inclosing copy of Petition signed by 9,000 British, American, German, French and Dutch subjects addressed to President and Executive Council, and states that additional signatures are coming in. Note adds that substance of Petition has been cabled to Transvaal Consul-General in London for communication to Her Majesty's Government. I therefore do not repeat substance as telegraphed by British Agent in South African Republic.

He adds that it is announced in papers that Petition to Her Majesty the Queen has been reopened for signature in response to representations from persons who had no opportunity for signing it before and that several thousand signatures have already come in.

No. 81.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 8, 1899.)

SIR, Government House, Cape Town, April 18, 1899.

I HAVE the honour to transmit, for your information, a copy of a despatch and of a telegram from Her Majesty's Agent at Pretoria, on the subject of the negotiations between the representatives of the Mining Industry and the emissaries of the Transvaal Government.

From Mr. Conyngham Greene. Despatch. 13/4/99.
From ditto. Telegram. 15/4/99.

I also enclose an extract from the "Star" newspaper containing the text of the reply of the mining representatives to the State Secretary's communication to them of the 8th instant. 15/4/99.

I have &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 81.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, April 13, 1899.

IN continuation of my despatch of the 8th instant, on the subject of the recent negotiations between the representatives of the Mining Industry and the emissaries of the Government, I have the honour to report that the State Secretary, on the 8th instant, addressed the reply of which a copy is annexed to the letter from the

Industrial Representatives, and at the same time handed the correspondence to the newspapers for publication.

The reply, which begins by stating that Mr. Lippert and the other Government emissaries, including the State Secretary, State Attorney, and Dr. Leyds, acted on their own initiative in the negotiations, and not as representing the Government, proceeds to discuss the various proposals treated of in the original letter, seriatim, and concludes by expressing deep regret at the premature publication of the summary of that document in the "Times" and in certain Colonial newspapers.

On the same evening, speaking at a Public Dinner given in Johannesburg by the Chemical and Metallurgical Society, Mr. Rouliot, the President of the Chamber of Mines, in acknowledging the receipt of the Government reply, upheld the attitude of the industry, as set forth in their original letter, and wound up by declaring that they were in no way responsible for the publication of the correspondence complained of. A report of Mr. Rouliot's speech* is annexed.

I understand that a reply from the Industrial Representatives to the Government is being prepared, and will be delivered to the latter on Saturday next.

In the meantime a Committee had been formed on Monday at Johannesburg, consisting of independent Uitlanders under the Chairmanship of Mr. H. S. Caldecott, a well-known solicitor of the town, to convene a public meeting in order to discuss the recent negotiations, and enable the public to express their opinion thereon. The same day the Committee handed to Mr. van den Berg, the First Landdrost, a request for the permission of the Government to hold the proposed meeting in the open air, owing to the fact that no building of sufficient size to accommodate so large an assembly was in existence.

On the following morning a reply was received from the State Secretary to the effect that the Government would not grant permission for holding an open-air meeting, but that the Committee were at liberty to convene one in a building in terms of Law No. 6, of 1894.

On the receipt of this communication, the Committee met again and passed a resolution recording their disappointment, and apprehension of the grave consequences that might follow the refusal of free and open discussion of the important questions involved, more especially after the official statement of the State Secretary in his Note to the Industrial Representatives of the 8th instant that the question of the franchise and political redistribution should properly be referred to the general public.

A further resolution was then carried, that the objects of the Committee having failed, the Committee formally dissolve.

Copies of the Committee's request, of the reply of the Government, and of the resolutions above referred to, are annexed.

Having placed Your Excellency, by the above, in possession of the course of events up to date, I now venture to offer a few observations on the situation.

General interest for the moment, as far as the reply is concerned, centres in the reference made therein to the question of the franchise. The language of the State Secretary's letter on this point is naturally accepted by the Uitlander community as recognising the fact that a reference to the people was indispensable in order to enable the Government to arrive at a just appreciation of their desires, and a necessary preliminary to the formulation of some definite proposals for the consideration of the Volksraad. Acting on this assumption, the independent Committee to which reference has been made above was quickly formed, to take steps for convening a public meeting, and it is worth recording that the members who composed it had not, so far as I am aware, up till now been connected with any of the groups, whether of the South African League, the capitalists, or the persons who had been prominent in advocating the Uitlander cause in the past. It was known that there was no building of sufficient size to accommodate the large body of the public who would naturally wish to attend the proposed meeting, and accordingly the Committee took the only other possible course by applying to the Government for permission, according to law, to hold the meeting in the open air. It is difficult to understand on what ground the Government refused the request of the Committee, the mere composition of which in itself offered a guarantee that no breach of the law or disturbance of public order was contemplated or likely to arise; indeed, the Government did not suggest this as a reason, but bluntly declined, without assigning any ground for their decision.

This refusal has naturally left a very painful impression upon the mind of the public, who see themselves thus debarred from any opportunity of directly representing to the Government their independent views and wishes. In other words, whereas it is

always being contended on behalf of the Government that the persons who profess to voice the Uitlander grievances have not really the support of the general community, yet as soon as a course is suggested which would bring that contention to the test, the Government promptly decline to sanction it.

Under these circumstances it cannot be wondered at if the Uitlander community suspect the good faith of the President, and are confirmed in the conviction that no genuine amelioration of their condition is to be expected at the hands of the Government.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

"Press," April 10, 1899.

"To the Honourable the State Secretary, Pretoria:

"Honourable Sir. "Johannesburg, March 24, 1899.

"Before communicating to you and the Representatives of the Government, whom we met, the expression of our opinion, and that of our London friends, on the proposals submitted to us by Mr. Lippert, on behalf of the Government of the South African Republic, we deem it advisable to recite shortly how we have arrived at the present position.

"On the 27th February Mr. E. Lippert called together Messrs. A. Brakhan, E. Birkenruth, and G. Rouliot, to whom he submitted a certain programme concerning the settlement of some pending questions forming the subject of the graver differences between the Government of the South African Republic on the one part, and the whole Uitlander population and the mining industry on the other part, with a view to ascertain whether these gentlemen were willing to open negotiations on the basis suggested in order to try to come to a settlement. Upon an affirmative answer of these gentlemen, Mr. Lippert obtained an equal expression of approval from Dr. Leyds, from the State Attorney, and also from President Krüger.

"The preliminary programme, at Mr. Lippert's request, was then communicated by cable to our London friends. Upon receipt of a reply to the effect that our London friends were in favour of an arrangement which would produce harmony and secure administrative and financial reforms, which was communicated, a meeting was arranged with Dr. Leyds and Messrs. Reitz, Smuts, and Lippert, as representing the Government, on the 9th March; but, as Messrs. Brakhan, Birkenruth, and Rouliot had repeatedly mentioned that they did not consider themselves qualified to discuss matters on behalf of the general body of Uitlanders, and seeing that the programme submitted was to be considered as a whole, and either adopted or rejected as such, therefore it would be necessary to obtain the views on the franchise question of prominent citizens more able to express the views of the Uitlanders on this subject; Mr. Lippert, on behalf of the Government, invited, in addition, Messrs. Pierce and Pistorius to be present at the meeting.

"At this meeting several points were discussed; but, as no definite proposal regarding the franchise could be submitted, no decision was arrived at, it being made clear, however, that this was only a preliminary conversation with the object of exchanging views, and that, in any case, the opinion of the Uitlander population, and also that of our friends of Europe, would have to be fully ascertained.

"On the 18th instant, at the request of Mr. Lippert, Messrs. Brakhan, Birkenruth, Rouliot, Pierce, Pistorius, and Fitzpatrick met, and Mr. Lippert communicated to us the definite proposals of the South African Republic Government, which were duly cabled the same day to our friends, requesting a reply before the end of the week, as the Government would have to submit the whole matter to the Raad, and we were requested to sign an Agreement, with a Declaration binding on ourselves and our London friends.

"Their answer, suggesting a further conference with Dr. Leyds in London, was duly communicated to His Honour the State President. His Honour's reply, stating that an exchange of views had better take place here, was communicated to our London friends. Now they have cabled us a full précis of the proceedings and resolutions passed at a meeting held in London on the 16th instant, and the following is, therefore, the expression of our opinion, as well as that of our European friends, upon these subjects, which have been already discussed between Representatives of the South African Republic Government and ourselves.

"It having been stipulated by the Government that the various matters herein dealt with shall be taken as parts of one whole plan, we have bowed to that decision, and we beg now to reply, under the various heads, on the understanding that no one portion may be judged as apart from the whole.

"THE BEWAARPLAATSEN.

"In furtherance of the general settlement, those of us directly concerned in the mining industry would be prepared to recommend a modification of the claims of the surface-holders, and a final settlement of the question on the lines suggested as preferable to the continued uncertainty, on the understanding that the basis for valuation should be arrived at by fixing, after consultation, a maximum price upon the best situated 'bewaarplaatsen,' or water rights, and that the price of all other mining rights under 'bewaarplaatsen,' machine stands, or water rights, be valued by competent engineers on the basis and in relation to the above maximum value, taking into consideration the comparative value of the outcrop claims and the diminishing value in depth, the surface-holders having the preferent right to acquire the under-mining rights at the price thus arrived at.

"FINANCIER AND AUDITOR.

"The appointment of a suitable man, with efficient control and assured status, would undoubtedly meet one of our most serious grievances, and would be universally accepted as satisfactory.

"The financier, in order to enjoy the confidence of all concerned, and with a view to avoid, as far as possible, ulterior discussion of this recommendation, should be approved of by some person belonging to a firm of well-known independent standing, such as Lord Rothschild, for instance; the financier to be a member of the Executive Council, and to formulate and approve every scheme of taxation, should further or other taxation become necessary.

"Any loan offered at reasonable rates, and approved by the Finance Minister, for the common good would undoubtedly receive our support, we understanding, on the other hand, that no new taxation will be imposed on the general population or the mining industry pending the appointment of a financier.

"PRESS AGITATION.

"There having been, so far as we know, no organized press agitation, it is impossible for us to deal with this matter; but it is clear that criticism, which has been provoked by a certain condition of affairs here, would necessarily cease upon the causes of complaint being removed, and we would be prepared, in case of our coming to a settlement with the Government, to declare that the solution of the questions arrived at meets with our approval as a whole, so as to discourage further agitation in the newspapers on these subjects.

"POLITICAL ORGANIZATION.

"We shall at all times be willing to publicly discourage and repudiate any political organization having for its object the stirring up of strife or promoting dissension between the different nationalities inhabiting the State, and we would, and will, in any case, do this freely, and upon principle, and entirely apart from the other considerations connected with this Conference.

"But it should be clearly understood that this declaration must not be construed as repudiating or deprecating any legitimate representation which the community, or any section of them, may see fit to make in matters which concern them as inhabitants of this State.

"THE COOLIE QUESTION.

"We well appreciate the dangers of uncontrolled, indiscriminate immigration of lower-class Indians or Chinese, and the need of other provision for sanitary control, and shall be most willing to aid the Government in the above objects, but we consider it impossible for us to intervene in this matter, which is governed by the London Convention with the British Government.

"We suggest that, for the purpose of guarding against the dangers above referred to, this matter be explained to the Imperial Government, as part of the whole scheme for a settlement of the differences, and as claiming therefore an especially favourable consideration, for in the success of this scheme, we who desire peace and prosperity in this country must be deeply concerned, and willing to co-operate on generous lines.

"We suggest that this representation be made in such a manner as may be deemed least calculated to provoke unfavourable comment, or offend susceptibilities in any quarter, and that the suggestion be viewed by all parties in its true proportions, as one part of the whole scheme of settlement. Unless so viewed we should be unable to put ourselves forward in a matter at issue between the two Governments, nor, of course, could the proposals of this Government be taken to suggest this.

"DYNAMITE.

"With the principle of granting a monopoly to individual agencies or corporations it is impossible for us to agree, and, whatever arrangement be effected, we should have to make it clear that in this instance we are viewing the question solely as a burden, a tax which the mines are asked to definitely accept in order that an amelioration of the general conditions affecting the whole Uitlander population may be secured.

"The difference between the cost at which dynamite could be imported (exclusive of the Transvaal duty) and the price we are now compelled to pay amounts to over £600,000 per annum on the present rate of consumption, which will increase steadily and largely in the immediate future.

"Whether the mining industry should voluntarily accept such an immense burden as a set-off against terms which, whilst they would doubtless eventually affect the industry favourably are in their immediate effects designed to satisfy the Uitlander population in their personal rights as distinct from the mining industry as a business, is a matter which would, in the first place, have to be submitted to recognized elected representatives of the mining industry, and would, in the second place, depend upon whether the people in whose interests such a sacrifice is required would accept the terms which the Government are willing to concede as satisfying their reasonable aspirations.

"It is also a matter of grave and general concern that a sum so enormous, when compared with the revenue requirements of the State, should be taken annually from the mines, with little, if any, benefit to the country, when it might be utilized in part or entirely in supplementing the State revenue, and thus afford relief in other directions to every tax-payer in the country.

"Notwithstanding the above considerations, however, we feel that a great monetary sacrifice might be made to secure a peaceful and permanent solution of vexed questions, and the subject of dynamite should be submitted to the Chamber of Mines, and discussed in that spirit. We are willing, in order to bring about a general settlement of all pending questions, to recommend that a heavy sacrifice be made to adopt the proposal made by the Government on condition that there shall not be any extension of the concession, and that the terms of the contract shall be rigidly enforced, that the Dynamite Company shall reduce the price of dynamite to 70s. per case, giving to the Government the 5s. per case and the share of the profits to which it is entitled, and at the end of the present agency the factory shall be taken over at a valuation, which shall not include compensation for goodwill or for loss of future business.

"FRANCHISE.

"This is a vital point upon which a permanent and favourable settlement must hinge. If a satisfactory solution can be arrived at on this point, as well as on others raised, we shall be prepared to recommend to the industry to make the sacrifices involved in accepting the Government proposals.

"We note—

"(*a.*) That the proposals do not include a substantial reduction of past residence.

"(*b.*) That the period is seven years.

"(*c.*) That it is proposed that those who acquire citizenship under the law, if changed as proposed, shall not have the vote for office of President, and the oath of allegiance would be required seven years before the acquisition of united Burgher rights.

"(*d.*) The proposed new law would have to be published for a year, and receive the assent of two-thirds of the enfranchised Burghers of the Republic.

"Whilst declaring ourselves willing to accept and recommend the acceptance of any fair scheme of constitutional reforms, we consider that such a scheme must first be laid before, and approved of by the unenfranchised community, as the rights and liberties and privileges of the community would depend absolutely on the nature of the reforms.

"We have repeated on many occasions that business houses are not qualified to discuss this question on behalf of the general body of Uitlanders, and that we would not presume that we were appointed by the whole community to discuss it on their behalf.

"It will, therefore, be necessary to find means to bring the whole question before those directly affected, who are the only ones entitled to finally dispose of the matter, their acquiescence to the scheme having to be first obtained before we recommend the sacrifices which we contemplate in order to ensure a general, permanent, and peaceful settlement.

"For your guidance, we enclose an expression of opinion which has been furnished us by some of the most prominent Uitlanders, and places before you the views of a very large and influential section of the community.

"The above subjects are only those which have been discussed between the Government Representatives and ourselves, but, in order to arrive at a final permanent settlement, we think that we ought to endeavour to remove all other causes of disagreement, and treat as well several other important questions left untouched; and we would beg that the Government will take the necessary steps, as far as may be in their power, to assist the industry by bringing native labour to the goldfields, and to this end would be willing to confer with the Chamber of Mines as to the best means to be adopted.

"The law relating to the sale of intoxicating liquor at present in force should be maintained and strictly enforced.

"We may further state that we have every confidence in the probity and honour of the Judges of the South African Republic, and wish to place on record our desire that the independence of the Bench should be assured and maintained inviolate in the highest interests of all the inhabitants of the Republic.

"WHAT WAS SENT TO LONDON.

"We enclose a copy of the cable which we sent, embodying the proposals of the Government of the South African Republic, as communicated to us by Mr. Lippert; also copy précis and Resolutions passed at the meeting held in London, when the above cable was considered.

"This letter conveys to you our opinion, as well as that of our friends in Europe, and we should be most happy to arrange a meeting with you, and any other Representatives of the Government, to consider and discuss the points contained therein.

"We beg to assure you once more that we, as well as our European friends, are most sincerely desirous to arrive at a satisfactory settlement, securing a peaceful future, and promoting the welfare of the country and people, and trust that you will regard the expression of our opinion in that light.

We remain, &c.,

(Signed) "G. ROULIOT.
"E. BIRKENRUTH.
"J. M. PIERCE.
"A. BRAKHAN.
"H. F. E. PISTORIUS."

The foregoing embodies our views as well as those of our London houses.

(Signed) W. DALRYMPLE.
J. G. HAMILTON.

THE FRANCHISE QUESTION.

CONSULTING THE PUBLIC.

Gentlemen, Johannesburg, S.A.R., March 25, 1899.

In response to the invitation from the Transvaal Government, conveyed to us by Mr. E. Lippert, we beg to submit the enclosed Memorandum on the Franchise question.

(Signed) J. PERCY FITZPATRICK.
H. C. HULL.
W. DALRYMPLE.
W. A. MARTIN.
R. STONE.
THOS. MCKENZIE.
J. G. HAMILTON.
C. H. SPENCER.
T. J. BRITTEN.
H. R. SKINNER.
J. C. LUCAS.

Memorandum *re* Franchise.

To Messrs. Rouliot, Birkenruth, Brakhan, Pierce, and Pistorius, Johannesburg:

After such investigations as the restrictions imposed have permitted, we are of opinion that it would be quite useless to approach the Uitlander population with the Government proposals in the present form, chiefly for the following reasons:—

1. No consideration is given to residence already completed.

2. The alteration of the Franchise Law, according to the lately-prescribed procedure, whereby two-thirds of the Burghers must signify approval, is a practical impossibility, witness the fact that at the last Presidential election, surpassing in excitement and interest all other occasions of general voting, with the recognized leaders in the field, and every agency at work to stimulate activity, less than two-thirds of the Burghers on the register recorded their votes.

3. The present form of oath would be humiliating and unnecessary, in support of which view we instance the fact that quite recently the Volksraad of the Orange Free State rejected the proposed introduction of the same oath of allegiance.

4. The period of disqualification, during which the Uitlander would have given up his own citizenship by naturalizing, and have acquired nothing in return, would be found most objectionable, especially with the experience that rights have in the past been legislated away as they were on the point of maturing.

5. In view of the unique condition of this country, extension of the franchise, without some approach to equitable redistribution of representation, would be regarded as no solution of the question, and might even provoke doubts as to the *bona fides* of the proposal, which would be a deplorable beginning, yet one easily to be avoided.

Regard being had to the points raised in paragraphs 1, 2, 3, 4, we consider that restrictive franchise legislation, apparently designed to exclude for ever the great bulk of the Uitlander population, dates its beginning from the Session of 1890, and as various enactments bearing on this question have been passed by successive Volksraads, expressing their power to alter, add to, or revoke previous enactments, and as the same powers are to the full enjoyed by the present Volksraad, it would be possible, and proper, for the present Volksraad to annul all the legislation upon this subject from that date, and to restore and confirm the status prior to 1890, and thus satisfy the claims of the country under certain conditions, from the benefits of which they could not properly be excluded.

With regard to paragraph 5, a moderate proposal, designed to give a more equitable distribution of representatives in the Raad, would be necessary.

The above suggestions are not put forward as the irreducible minimum, nor are they designed for public use, nor intended as a proposal acceptable to the eye, but impossible in fact, and thus sure of reduction. They are put forward in good faith, as indicating, in our opinion, the lines upon which it would be possible to work towards a settlement, with a reasonable prospect of success. If the difficulties appear great, the more reason there is not to put forward an unalterable proposal, foredoomed to failure, but rather to try and find points of agreement, which, however few and small to begin with, would surely make for an eventual and complete settlement. In any case, it is clear that the mere fact of a proposal to extend the franchise having been made by the Government, thus frankly recognizing the need to deal with the subject, will be hailed as a good omen, and a good beginning, by all fair-minded men.

Government's Reply.

The following is the text of the reply sent by the State Secretary to the above letter on Saturday:—

Sirs,—I have the honour to acknowledge receipt of your communication of March 27, 1899, with reference to certain proposals made to this Government by representatives of the Mining Industry.

In order to distinctly understand the position, it is necessary to go more extensively into the facts preceding your letter than was done in your communication.

It is wrong to say, as you do, in the first paragraph of your communication, that Mr. Lippert had approached you with certain proposals of this Government.

It also appears from the second paragraph of your communication that Mr. E. Lippert had approached you *suo motu* in order, as he told me afterwards, to see whether it was not possible to bring about a better understanding between this Government on the one hand and the Mining Industry on the other. In this he certainly did not act as the Agent of the Government to make certain proposals to you on behalf of the Government, but merely as a friendly mediator, with the object of seeing to what extent unnecessary differences and misunderstanding could be done away with.

When Mr. Lippert thereupon approached Dr. Leyds and myself, and informed us that you and the other gentlemen agreed to his mediation, we were ready at once to agree to his plan, because we knew that it was the warm desire and constant endeavour of this Government to remove all friction and trouble; and in this case, especially, it was our intention to leave no stone unturned in order to settle for good all differences. We were particularly ready to meet you, because His Honour the State President had decided to lay certain proposals of law before the Volksraad, which were of great importance, not only to the population of the Republic in general, but specially to the mining population and industry.

We informed Mr. Lippert that if the leading men of the Industry had no objection to his mediation, then we would not object to make use of his good services.

Thereupon Mr. Lippert proceeded to Johannesburg, and came back to us with the assurance that there was no objection to his acting as mediator, and at the same time he enumerated certain points on which he considered a friendly understanding could be arrived at.

In consequence of this, and acting on our own initiative, and not as representing the Government, Dr. Leyds, Mr. Smuts, and I met several of your leading men, as you mention in your letter. At this meeting we informed you to what extent His Honour the State President intended to propose alterations of law for the general good.

Only with reference to the franchise we gave you no definite information because we had then not fully treated the subject with His Honour the State President.

From your side we desired a more friendly attitude in the Press, because we were convinced that the exaggerated Press campaign in newspapers—which are generally stated to be owned or influenced by you—which, however much it might promote private interests, was nevertheless calculated to cause an endless amount of evil to the lasting interests of all sections of the community. By the continual and perpetual instigation and suspicion caused by the newspapers, the public mind was constantly held in a state of insecurity, and by the continual propagation of race hatred, the Government and Legislature were prevented from improving the state and the position of the so-called Uitlanders with respect to the old population.

We also desired your friendly co-operation in the solution of the coolie question, not, as we told you, because we desired to place you in any difficulty with any foreign Government, but because it is a policy of the gravest importance to South Africa that in matters bearing on native and coloured people's affairs, the European population should act in unity.

Mr. Lippert had on his programme the declaration of a promise from you that you would support this Government in obtaining an eventual loan, should this appear to be necessary, and that you would bind yourselves in writing to refrain from participating in any inimical political organisations against this Government. We did not go into these points, because we considered them unnecessary. You, however, considered it necessary first to obtain instructions from your foreign principals before replying to us. Before you could communicate the result to us, however, the President had declared his intended policy at a public meeting at Heidelberg, and afterwards did the same at Rustenburg and Johannesburg. Your present communication contains an apparently definite reply to our communications to you. I will now deal with the points of the reply seriatim:—

Bewaarplaatsen.

With reference to this point, our opinion was that the undermining rights under bewaarplaatsen, machine stands, and water-rights should be valued on a reasonable basis by the Government and surface holder; that in case there was a difference of opinion which could not be amicably settled the value thereof to be settled by arbitration; and that the surface owner should have the option of buying the undermining right concerned at this valuation. From your communication I understand that you suggest a particular method of valuation; this, however, is a detail which could best be solved when the actual valuation is undertaken, and which can be better adjudged by experts than by me. I will, therefore, not treat this any further.

Financier and Auditor.

On this point our idea was to place the Auditor in a position independent of the Government, but responsible to the Volksraad; to appoint a Financier of standing with a seat in the Executive, as regards financial matters.

I am glad to see that you agree to this proposal, and consider it most satisfactory. I must, however, express my surprise at your proposal that the Government should first obtain the approval of Lord Rothschild, or a similar capitalist, before appointing such a financier. To this I can only reply that it is by no means the intention of my Government to frame the future financial policy of this State on a capitalistic basis, and that your request cannot therefore be complied with. It is quite possible to make an appointment which would be generally approved of without being subjected to such an exceptional approval.

Loan, Press Agitation, Political Organisation.

With regard to these subjects, I have already sufficiently and clearly explained that you have acted under a misapprehension by following the proposal of Mr. Lippert and by cabling it to your principals. We desired no binding declaration from you, but a mere moral understanding which would be equally easy for you to fulfil, as it is in the public interests of the Uitlanders as well as of the burghers of this Republic. I deeply regret that this misunderstanding arose; otherwise I would have been unable to see any objection on your part to gladly approve of the plans of the President, and to accept them in good faith as a substantial measure of relief.

Dynamite.

On this question, there is little difference between the intended policy of the President and your reply. This must be added, however, that His Honour goes further than you, as he has declared his eagerness to expropriate the Dynamite Company under agreement with its representatives as soon as possible. If the expropriation takes place after the termination of the present concession, then it will certainly not take place on the lines of a going concern.

Franchise.

With regard to this point, I can easily understand that you are not desirous of taking the responsibility on yourselves of speaking and acting for the whole of the new population. It was more your *personal* opinion as men of standing and influence which we desired to obtain. But since, according to your assurance, at the said meeting, you are not personally interested in the franchise, and prefer to leave this to the people, I can fully justify your reply as regards this point.

His Honour has already acted in accordance with your idea, as he has brought the question of the extension of the franchise prominently before the public, not only at Heidelburg and Rustenburg, but also at Johannesburg.

The "Times" Publication.

In conclusion, I wish to refer to a matter which has caused me great regret. It was clearly understood and arranged that our mutual communications regarding these important matters should be considered con-

fidential and be kept secret, as, naturally, discussions of such a serious nature cannot be carried on upon the housetops with good fruits.

What has happened, however?

I received your communication, at present under consideration, on March 28, and already on April 3, while I had it still under serious consideration, and took all care to keep it secret, the contents thereof appeared in the London "Times," while a few days ago your reply appeared verbatim in the "Cape Times," "Diamond Fields Advertiser," and other such papers under capitalist influence.

The manner in which these papers, well disposed to you or controlled by you, have dealt with your communication, caused me (I acknowledge it with bitterness) to doubt your good faith for a moment. Thinking, however, of the great interests at present in the balance, as it were, and believing that you would never, for private and party purposes, play the fool with the true and lasting interests of all sections of our inhabitants in this manner, I cannot do otherwise than think that your reply was published by means of one of your subordinates. It only causes me deep regret that you did not, with a view to our agreement, immediately publicly repudiate this publication as a gross violation of confidence. I would deeply regret it if, where there are so few true points of difference between us, they would, nevertheless, bar the way to a lasting understanding on account of wrong and indiscreet tactics, and continue to expect that the hand extended to you so well meaningly and in absolute good faith will not be pushed aside wilfully.

As the publication of your communication has removed all need for secrecy, I shall hand my reply to the Press.

I have the honour to be your obedient servant,
F. W. Reitz,
State Secretary.

"Leader" 13th April, 1899.

Johannesburg, April 12, 1899.

To the Editor of The Leader,

Dear Sir,—Please find enclosed copies of the resolutions that have been passed at the meetings of the Uitlanders' Committee; also a copy of the reply received from the Government.

Yours faithfully,
Harry S. Caldecott,
Chairman of Committee.

Copy of resolution passed on April 10th, 1899, and handed to Mr. Van den Berg, First Landdrost:—

Resolved that a deputation of three members of this preliminary meeting (held in private), consisting of Mr. H. S. Caldecott, Mr. H. J. Hofmeyr, and Mr. D. E. Doveton, wait upon Mr. Van den Berg, First Landdrost, and represent to him that, in view of the public interest evoked by the recently published correspondence passed between the State Secretary (Dr. Reitz), and certain leading financial houses in Johannesburg, this meeting deem it desirable to convene a public meeting of the inhabitants of Johannesburg, for the purpose of openly and dispassionately discussing the principal points arising out of the said correspondence, and that as no suitable building exists for holding such meeting, the permission of Government be obtained to hold such meeting in the open air on Saturday next, the 15th inst.

Government's Reply.

Copy of reply received from Government on April 12th, 1899.

(Translation.)

The Government will not give permission for holding a meeting of such a nature. Gentlemen are at liberty to hold a meeting in a building in terms of Law 6 of 1894.

Grave Consequences.

Copy of resolutions passed April 12th, 1889:—

1. Resolved: That the Government having refused permission to hold a public open-air meeting (notwithstanding that the previous resolution submitted to the First Landdrost distinctly pointed out that there was no suitable building in town in which to hold such meeting), the committee hereby records its disappointment and apprehension of the grave consequences that may follow the refusal of free and open discussion of important public questions involved, more especially in view of the fact that in the communication from the State Secretary to Mr. G. Rouliot and the other representatives of financial houses in Johannesburg, dated April 10th, 1899, he stated that the question of the Franchise and Political Redistribution should properly be referred to the general public.
2. Resolved: That the objects of this committee having failed, the committee formally dissolves.
3. Resolved: That the foregoing resolutions and reply of the Government be furnished to the Press.

What further we have to say on the matter will be found in our editorial columns.

Enclosure 2 in No. 81.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

April 15th. Reply of Industrial Representatives to State Secretary's letter of Saturday last is published in newspaper this evening, dated 14th instant. The reply,

which is supported by three annexures, summarises history of negotiation and maintains that latter were conducted with approval of Government. It discusses questions of bewaarplaatsen, state financier, press agitation, and dynamite, and concludes by expressing willingness of signatories to continue negotiations so as to bring about speedy and permanent solution of all questions, always bearing in mind that signatories do not consider themselves qualified to speak on behalf of the whole community.—GREENE.

The "STAR," April 15, 1899.

THE REPLY TO THE STATE SECRETARY.

The following reply has been sent by Mr. Rouliot and his colleagues to the State Secretary's letter of Saturday last:—

To the Honourable the State Secretary, Pretoria.

HONOURABLE SIR, Johannesburg, S.A.R., April 14, 1899.

We have the honour to acknowledge the receipt of your communication of the 8th April, 1899.

Certain of our statements being doubted, and described as erroneous in your letter, we deem it advisable to go more fully into the facts which have preceded and led to this correspondence.

It may be that communications exchanged through an intermediary have been transmitted in a manner liable to convey a different impression from what was actually meant, and in order to clear any possible misunderstanding, we beg to enclose copies of all documents supplied to us by Mr. Lippert, whom we, at all times, considered as your authorised agent.

From these it will be apparent that during the negotiations we acted in perfect good faith, communicating and discussing what we justly considered were the wishes and proposals of the Government, and it will also be clear to you that every one of our statements is based on documents which we had every reason to believe were approved of by the Government.

On February 27 Mr. Lippert called together Messrs. E. Birkenruth, A. Brakhan, and G. Rouliot, to whom he stated that a settlement of certain pending questions could probably be arrived at. He said that he had ascertained the views of Dr. Leyds, Messrs. Reitz and Smuts, who had agreed to a certain programme, and he wanted to know whether we would be willing to open negotiations on that basis, in which case the three officials mentioned would see the State President, and ascertain whether he would be prepared to adopt their views.

If the State President's approval could be obtained, Mr. Lippert suggested that a conference should be held to discuss the subjects mentioned in his memorandum.

This memorandum (Annexure "A"), as explained to us by Mr. Lippert, enumerates under Clauses 1 to 5 inclusive the points which the Government expected us to concede, and the other clauses are what the Government proposed doing in return.

We were then informed that the programme must be considered as a whole, and either adopted or rejected as such, no question being considered separately, and that the matter must be kept absolutely secret.

Upon our statement that we personally would be willing to open negotiations on the basis suggested, Mr. Lippert went to Pretoria, and informed the high officials above-named.

On March 1 Mr. Lippert informed us that the State President was viewing the matter favourably, and requested us to acquaint our friends by cable.

Our replies having been communicated to Mr. Lippert, a meeting was arranged on March 9, as recited in our previous letter, at which, Mr. Lippert informed us, no new subject outside of those mentioned in his memorandum could be discussed.

Messrs. Pistorius and Pierce, being invited by Mr. Lippert to attend the meeting, were each supplied by him with a list of the questions to be discussed, forming part of the proposed settlement (Annexure "B").

On March 12 Mr. Lippert communicated to us what he termed the definite proposals of the Government of the S.A.R., which were duly cabled to our friends in Europe (a copy of this cable has already been sent to you).

He also read to us the declaration, which he suggested we should sign on behalf of ourselves and our European friends (Annexure "C").

A speedy reply to our cable was asked for, as Mr. Lippert had informed us that, if any settlement could be arrived at, the agreement had to be submitted to the Honourable the First Volksraad before the closing of the extraordinary session which was drawing near.

We beg to point out to you that by cabling these proposals to Europe we could not possibly conceive that we were acting under a misconception, as the day on which they were made to us, the 12th of March, being a Sunday, the Telegraph Office was specially kept open for the purpose of despatching the cables, which were duly received and forwarded upon production of an order from Mr. Lippert.

In our letter of March 17 to His Honour the State President, conveying the nature of our friends' reply, we mentioned the fact that the communication made to us by Mr. Lippert on behalf of the Government had been fully cabled; we stated that our friends no doubt based their suggestion to further discuss the whole of the proposals with Dr. Leyds upon the fact that the Government had stipulated that they should become parties to the proposed settlement.

In your reply of March 18, no exception is taken to these statements; you tell us, on behalf of His Honour the State President, "that the exchange of views can best take place direct with the Government, and here, within the Republic," pointing out the fact "that the session of the Volksraad was close at hand, and that therefore further delay is undesirable."

You will thus see that we were perfectly justified in thinking that the communications made to our European friends, embodied the proposals of the Government of the South African Republic, were cabled

with the knowledge and approval of the Government, and that we were requested to sign a declaration on behalf of ourselves and our friends, which declaration had to be made public.

Our letter of the 27th March conveyed to you our opinion, and that of our friends, upon the subjects comprised in the programme which was submitted to us, and it is unnecessary to go over them in detail again. We beg only to offer a few remarks upon certain points raised in your letter of 8th April:—

Bewaarplaatsen: We suggest a basis for the valuation of bewaarplaatsen, machine stands, and water-rights, which in our opinion ought to be adopted, in order to have a uniform and easy method of valuing these places.

Financier: Being fully aware of the complexity of financial problems and questions of taxation in this State, we are anxious that the financier appointed should be of such a standing as to command the confidence of all, so that his recommendations cannot raise any ulterior discussion. For that reason we expressed the opinion that, before making the appointment, the Government should be guided in its choice by someone belonging to a firm of well-known independent standing. We have no desire to see this Government base its future financial policy on any particular line, in the interest of, or directed against, any special section of the people. We only wish to see the financial policy established on some recognised economic principles, with fair and equitable taxation calculated according to the proper requirements of the State.

Press Agitation—Political Organisations: We have already informed you that, so far as we know, there has been no organised press agitation, and that we should at all times be willing to deprecate the stirring up of strife between nationalities caused by any agency whatsoever. We consider it desirable to see that feeling more general, as we are convinced that exaggerated press campaigns conducted by newspapers generally reported to be influenced by the Government, and tending to create dissension amongst the various classes of the community, are calculated to cause an infinite amount of harm to the vested interests of all sections of the population.

Dynamite: In your letter of the 8th April, you appear to have lost sight of the fact that the proposed settlement was submitted to as a whole. Mr. Lippert made it clear that, in consideration of the Government granting the measures enumerated in his memorandum, it was expected that we should abandon our present contentions, and declare ourselves satisfied with the settlement proposed by the Government. Under ordinary circumstances this would be far from meeting our desires, but we intimated to you that we should be willing to recommend to the mining industry the adoption of the proposals made to us on this subject, if by so doing we could promote a permanent satisfactory solution of all pending questions.

In conclusion, we beg to refer to the publication of our previous letter to you. It took place here on the 6th inst., in the afternoon; we immediately instituted an inquiry, and on the 8th inst., in the morning, we wrote that we were in a position to assure you that we could in no way be held responsible for the publication. We never for a moment doubted your good faith, nor that of the other gentlemen for whom the letter was meant, but thought that possibly the communication could have been made through one of your subordinates. However, not being certain of the fact, we merely repudiated any responsibility on our part, and regret that you should have publicly laid the blame on our side, without having communicated with us, asking for an explanation, if you had any suspicion.

We beg to assure you that we are as willing as ever to co-operate with you in arriving at a settlement of all pending differences, in order to secure peace and prosperity in this country, and we shall be ready at all times to meet and discuss with you, or any other delegates of the Government, any matter likely to bring about a speedy and permanent solution of all questions, still bearing in mind what we mentioned in our previous correspondence, that we are not qualified to speak on behalf of the whole community.

As you have informed us that you have no objection to it, we shall give a copy of this letter to the press.

We have the honour to be, Honourable Sir, your obedient servants,

(Signed) G. Rouliot.
John M. Pierce.
A. Brakhan.
E. Birkenruth.

Mr. Pistorius, being absent from town, could not sign this letter.

Annexure "A."

Mr. E. Lippert's Memorandum.

1. Cessation of press agitation here and in Europe.
2. Support on the coolie question.
3. Settlement of the dynamite question.
4. Loan (if required).
5. Severance from the S. A. League.
6. Appointment of State Financier and State Auditor, of European reputation, with a seat and vote on the Executive in all questions of finance.
7. No new taxation of mines until submitted by Minister of Finance.
8. Moderate valuation of bewaarplaatsen.
9. Burgher rights—five years—property test.

Annexure "B."

Cessation of press agitation here and in Europe.
Support to the Government in its treatment of the coolie question.
Settlement of the dynamite question.
Deprecate the objects of the S. A. League.
Support the placing of a loan if Government wishes it.
Appointment of a financial adviser to the Government, of European reputation, and of an Auditor, both with seats and votes in the Executive Council on all financial matters. (This has been amended by the

Government so far as the Auditor is concerned, to retain the present Auditor, and to give him, *re* dismissal, the same status as a Judge, and to make him directly responsible to the Volksraad.)

No fresh taxation to be levied on the mines until the Financial Adviser has laid his proposals before the Government.

Sale of the undermining rights to the holders of surface rights (bewaarplaatsen, &c.) at a moderate valuation.

Extension of the franchise by granting burgher rights after . . . . years of registration, coupled with a property test.

ANNEXURE "C."

DRAFT OF DECLARATION TO FOLLOW PROTOCOL EMBODYING THE RESOLUTIONS AGREED UPON.

. . . Thereupon the subscribed parties from Johannesburg, for themselves, and for the parties they represent here and in Europe, declared:—

"The passing by the Volksraad of the laws to be submitted by the Government during this session.

"For the appointment during the present year of a Financial Adviser to the Government, of European reputation, who shall have a seat and a vote in the Executive Council on all financial matters.

"For placing the Auditor-General on the same status *re* dismissal as the Judges, and for making him responsible directly to the Volksraad, it being agreed that until such Financial Adviser has laid his budget proposals before the Government, no fresh taxation shall be laid upon the mining industry, nor any other direct taxation.

"For granting the undermining rights under bewaarplaatsen, machine stands, and water rights, to the present holders of the licences, covering such reserved areas at a moderate valuation; such valuation to be arrived at in the following manner: The Government to appoint a valuator, with instructions to value these rights at a fair and moderate valuation, the holder of the surface licence to appoint a valuator; if they agree, then the surface licence holder shall have the first right to the undermining rights at such valuation; if the two valuators cannot agree about a valuation, they shall appoint together an umpire; if they cannot agree about an umpire, the Chief Justice of the High Court shall be asked to appoint an umpire; the decision of such umpire shall be final as to the value of the area under arbitration. If the holder of the surface licence refuses to purchase at the said valuation, the Government shall be at liberty to dispose of it elsewhere.

"For a permanent settlement of the dynamite question on one or the other bases following, namely, that the status quo remain in force till the end of the contract period, the Government making use of its right to revise the prices under the terms of the agreement, or that the Dynamite Company reduce the price by 5s., to 70s. for No. 1 and to 90s. for blasting gelatine, the Government undertaking to take over the works of the Dynamite Company at the end of the agreement at a valuation as provided by the offer now before the Volksraad.

"For an extension of the franchise to all white aliens in this State, in the following manner: That naturalisation be granted to all seeking it, who have resided in the State for two years, and who are of good behaviour and who have not suffered any dishonourable sentence by any Court, upon taking the oath of allegiance as prescribed by the existing law; upon such naturalisation he shall be entitled to elect a member to the Second Volksraad, and two years after shall be entitled to be elected as a member of the Second Volksraad. A period of seven years having elapsed after naturalisation, he shall by virtue of that lapse of time and without further hindrance obtain full burgher rights, the Government, however, reserve to themselves the right (in order to secure the passing of such law through the Volksraad of this and that of the session of 1900) to extend the period of naturalisation for the right of voting for the election of a President.

Children of naturalised aliens, who attain their majority when their father has obtained full burgher rights, have, "ipso facto," the same rights as the father.

The Government shall also have the right to attach a moderate property qualification to the obtaining of these extended franchise rights.

It is understood that by the laws of the State, this extended franchise can only finally be granted by the Volksraad in session 1900, after the law has been submitted to the people for twelve months, but that the period of 9 resp. 7 years shall date from the passing of the resolution to be passed by the Volksraad now in session," will be hailed by us with great satisfaction as removing all obstacles to a friendly and peaceful development of mutual understanding and co-operation; it is our wish, and in the interest of those we represent, that the public in Europe and in South Africa be made fully aware hereof by means of the press, and that hostile agitation by means of the press here and elsewhere shall be avoided in future.

We deprecate all attempts that may be made by political agencies to stir up strife between the different nationalities inhabiting this State, and shall not be parties to any such organisations.

Seeing the many evils springing from indiscriminate immigration of coloured races, and having been assured that the Government will do all in its power to facilitate in other ways the supply of labour, we support the Government in its contention that the regulations concerning the treatment of "coolies and other coloured races" had best be left to them as a matter of internal concern.

We will support the placing of a State loan recommended by the Financier in the European markets at reasonable rates, if the Government should desire us to do so in the common interest.

Seeing the great value the Government evidently sets upon a friendly and permanent settlement of the dynamite question, which has contributed so much to disturbing the good relations, we declare ourselves satisfied with the final settlement arrived at.

And should, after the passing of the above proposals of law as a whole by the Volksraad, the Government desire us to give publicity to this our declaration for the promotion of peace and goodwill, such publicity as the Government may desire shall be given thereto.

No. 82.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received May 8, 1899.)

Sir, Government House, Cape Town, April 19, 1899.

With reference to my despatch of the 28th ultimo*, enclosing the petition of 21,000 Uitlanders to the Queen, I beg to inform you that, not being satisfied as to the correspondence of the sheets transmitted to me with those referred to in the covering affidavits, I asked the British Agent to obtain the explanations of the promoters of the petition on this point, as well as on some other matters of interest connected with that document—such as the number of women and of coloured persons among the signatories. I now have the honour to enclose a letter from Mr. Wybergh, who took a leading part in getting up the petition, which appears to me very clear and explicit on all the doubtful points. I am satisfied, after reading it, that the affidavits sent to you cover virtually all the sheets of which the petition is composed. Moreover, from the account given by Mr. Wybergh—a gentleman whose veracity is above suspicion—of the manner in which the canvass was conducted and controlled, it seems impossible to doubt that the vast majority of the signatures obtained are the signatures of British subjects of European race and of full age.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 82.

From W. Wybergh, Esq., Johannesburg, to the British Vice-Consul, Johannesburg.

J. Emrys Evans, Esq.,
H.B.M. Vice-Consul, Johannesburg.

Dear Sir, 47, Bettelheim Buildings, Johannesburg.

Referring to our conversation of this morning about the petition to Her Majesty, I wish to call your attention to the following facts:

There were 105 copies of the petition printed, with the idea of utilising the services of a large number of voluntary canvassers. As a matter of fact, however, it was found better to employ a comparatively small number of canvassers. The printed copies were all numbered consecutively, and a quantity of blank sheets carrying a corresponding number were attached to each copy. The majority of these were, however, not given out at all, and the work was done by a few men, using only a few copies of the petition. These canvassers were told off to different districts, so as to minimise the risk of obtaining signatures in duplicate. They were also specially warned to enquire of intending signatories whether they had already signed, and if so, not to accept their signatures.

The procedure was as follows:—

Each canvasser signed a receipt for his copy of the petition, and for every blank sheet issued with it. Every day he brought in his petition, and the sheets which were already full were detached by us, and credited to him, and fresh sheets were attached bearing the same number. We thus are enabled to trace every sheet containing signatures, as having been obtained by a particular canvasser from a particular district. As in course of time the printed copies of the petition became very dirty, they were exchanged for other copies, for which receipts were given, bearing, of course, other numbers, and signatures were then collected on sheets numbered the same as the new copy of the petition.

Thus it happens that the same canvassers became responsible for signatures upon sheets bearing several different numbers.

In some cases canvassers left our service leaving sheets only partially filled. In this case the half filled sheets were handed over to another canvasser to complete. In other cases canvassers worked in pairs, and each canvasser witnessed the signatures obtained by the other, as well as those obtained by himself.

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* No. 66.

Hence it arises that some sheets are covered by affidavits from two canvassers. With the exception of about 300 signatures every sheet that was issued, and upon which signatures were obtained, has been covered by affidavits from the canvassers.

Those numbered sheets concerning which no affidavits have been made, were either never issued at all, or were returned by the canvassers without signatures, and consequently are not attached to the petition.

With regard to the identification of the sheets, all except three or four are stamped with a number at the top, to which the numbers mentioned in the various affidavits correspond. This number may perhaps in many cases have been covered up in pasting the sheets together, but it can always be found at the back, as it is pierced through the paper.

I have been at some pains to ascertain the number of women who signed the petition. After careful enquiry from the various canvassers, they inform me that the number of women who signed represents from 1 to 5 per cent. of the total. If necessary I can obtain affidavits to this effect from the principal canvassers.

As regards coloured persons:—It was recognised that coloured persons, if British Subjects, were undoubtedly entitled to sign a petition to the Queen, but owing to the local prejudice against them, they were not encouraged to sign. There are, I think, some two or three sheets containing 70 signatures each, almost exclusively of coloured persons. These were Indians, merchants and others, and I am told that the petition was in each case read over by a well known and highly respected interpreter, whose name also appears on these sheets. As, for some reason, the canvasser seemed to think that the names must appear in European handwriting they were so written down, and each man gave his assent thereto in the presence of the canvasser and the interpreter. Altogether these signatures only represent, say, 150 or 200 names.

Besides this, there are a few signatures of coloured persons, mostly Cape people, scattered among the general body of names. I have enquired of the canvassers, and as the result of my enquiries, it appears that there were perhaps 300 coloured persons in all, exclusive of the Indians already mentioned.

There were also a few illiterate people who signed. They were in most cases Dutch people, and their signatures are almost all contained on three or four sheets. In these cases the petition was read over to a number of people, and then one or two who were able to write signed for the remainder. In a few cases one member of a family signed for others who were present but unable to write for themselves. I suppose that the illiterate number one or two hundred. In no case were children under the legal age for voting in this country allowed to sign this petition.

All these facts can be substantiated, if necessary, by affidavits.

In every individual case of doubt I made strict enquiries of the canvassers, then and there, as to the means which had been adopted towards obtaining the signatures in question, and reminded them that they would be expected to swear affidavits as to their genuineness, and in every case they satisfied me that the signatures were bonâ fide and obtained in a legitimate manner. As I have already stated in my affidavit on the subject, no inducement was held out to them to obtain signatures otherwise than honestly. When I was not satisfied, the signatures in question were crossed out, and the canvasser reprimanded.

The canvassers were in some cases furnished with "fountain" pens, which will account for the superficial resemblance in the style of some of the signatures.

I suppose that the total number of signatures that come under the heading of "coloured" or "illiterate" is well under 700.

I should mention that the great bulk of the signatures, say 19,000 or 20,000, were obtained by four canvassers, who are well known to me, and who were easily supervised and controlled. The signatures were examined every morning as they came in, and any doubtful ones at once challenged.

I may further mention that, owing to our having decided to close and forward the petition rather sooner than was at first intended, some 1,300 signatures were handed in too late to be attached. This brings the total number to 23,000.

I am, &c.,

April 10th, 1899. W. WYBERGH.

J. Emrys Evans, Esq.

No. 83.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

Sir, Downing Street, May 10, 1899.

I have the honour to acknowledge the receipt of your despatch of the 28th March,* enclosing a petition to the Queen from 21,684 British subjects resident in the South African Republic, in which they pray for Her Majesty's intervention with a view to the removal of the grievances of which they complain. This petition has been laid before Her Majesty, who was graciously pleased to receive it, and I have now the honour to convey to you the views of Her Majesty's Government on the subject.

Her Majesty's Government cannot remain indifferent to the complaints of British subjects resident in other countries, and if these are found to be justified, Her Majesty's Government are entitled to make representations with a view to securing redress.

This ordinary right of all Governments is strengthened in the present case by the peculiar relations established by the Conventions between this country and the Transvaal, and also by the fact that the peace and prosperity of the whole of South Africa, including Her Majesty's possessions, may be seriously affected by any circumstances which are calculated to produce discontent and unrest in the South African Republic.

Her Majesty's Government have, therefore, made an investigation, based on the information already in their possession, into the subject of the petition now before them.

The unrest and discontent amongst the Uitlander inhabitants of the South African Republic is of long standing. The root of the matter lies in the policy pursued from the first by the Government of the South African Republic towards an immigrant population which is generally believed to far outnumber the burghers, and which forms, at all events, a very large proportion of the white inhabitants. To the industry and intelligence of this part of the community is due the enormous increase in the prosperity of the country, an increase which may be measured by the fact, that whereas in 1885 the revenue was £177,876, it amounted in 1898 to no less than £3,983,560, the principal items of which, such as Customs £1,066,994, Prospecting Licences £321,651, Railway Receipts £668,951, not to mention others of smaller amount, must be contributed mainly by the Uitlander.

It was pointed out in my despatch to your predecessor of the 4th February, 1896,† that the new-comers in the South African Republic have, contrary to the policy adopted in most civilized countries where immigration has played an important part in building up the population, been denied all effective voice in the affairs of the State; and all political power and the right to levy taxation is the monopoly of a minority composed almost entirely of men engaged in pastoral and agricultural pursuits, whose knowledge of the conditions and necessities of the Uitlanders must be of the vaguest nature. The Uitlanders are not only debarred for many years from voting in the election of President and of members of the First Volksraad, which is the highest authority in the State, and the only one whose decisions are not subject to veto or revision, and at the same time made to bear the heaviest part of the burden of taxation, but they are not even permitted to control their own municipal affairs, the law creating a municipality for Johannesburg being altogether inadequate for this purpose. In order to obtain the insignificant privileges attached to naturalization they are compelled to take an oath containing words which, as pointed out in Lord Ripon's despatch of the 19th October, 1894,‡ are offensive to their sentiments, founded on a faulty historical precedent, and, as regards British subjects, superfluous. They are, as aliens, excluded from sitting upon juries, and are, in respect of the administration of justice, at the mercy of a Judicial Bench which is bound, under pain of dismissal, to respect as law any resolution of the Volksraad, however hastily taken.

The Uitlanders, who are, for the most part, British subjects, accustomed to the exercise of full political as well as municipal rights, had, for a long time prior to the disturbances of three years ago, been striving to obtain some amelioration of their condition by means of constitutional agitation, but that agitation had entirely failed to effect its object. Active agitation and passive acquiescence had alike proved ineffectual, and at the end of 1895 the inhabitants of Johannesburg took up arms. At the instance of the High Commissioner these arms were laid down again, and the Republic was spared the horrors of civil war.

At that time President Kruger issued two Proclamations. In the first, dated 30th December, 1895, he declared that the Government were "still always prepared to

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* No. 66. † No. 220 in [C. 7933] February, 1896. ‡ Appendix to [C. 7933] February, 1896.

consider properly all complaints which may be properly submitted to it, and submit them to the Legislature of the country without delay to be dealt with," and in the second, dated the 10th January, 1896, in addition to declaring his intention to submit, at the first ordinary session of the Volksraad, a draft law for the appointment of a municipality for Johannesburg, he appealed to the inhabitants of that city to "make it possible for the Government to appear before the Volksraad with the motto, "Forget and forgive."

Her Majesty's Government felt justified in anticipating that practical effect would be given to these conciliatory words of the President, but careful examination of the allegations made by the petitioners, and into the present condition of affairs in the South African Republic, shows that, so far from any substantial measures of reform being passed, the legislation of the past three years and the action of the Executive have, on the whole, had the effect of increasing rather than of removing the causes of complaint.

Dealing first with the system of taxation, Her Majesty's Government find that no change of any importance has taken place. A revenue of nearly £4,000,000 is raised to carry on the administration of a country which is believed to contain less than a quarter of a million white inhabitants. As already pointed out, the revenue is mainly derived from the Uitlanders, who have thus to bear a burden of taxation exceeding £16 a head, a burden probably unparalleled in any other country. M. Rouliot, President of the Chamber of Mines, a gentleman of French nationality, speaking on the 21st of November last on the subject of a new tax on the gold-mining industry, said: "We are the most heavily taxed community in the world, although we are the one that has the least to say about the use of the funds it contributes."

As to the character of the financial administration, reference may be made to the Report of the Inspector of Offices, published in October, 1897, which showed defalcations on the part of officials amounting to £18,590, only a few hundreds of which were recovered, and with regard to the larger part of which no effort seems to have been made to recover the money. Reference may also be made to the debate in the Volksraad on the Estimates in March, 1898, when it was elicited that £2,398,506 16*s.* 8*d.* had been advanced to officials, and was unaccounted for. These advances date back from 1883.

The Secret Service Fund appears in the current Estimates at £36,000, but even this sum, more than the amount of the Secret Service money voted in the British Imperial Estimates, appears to be habitually exceeded. In 1898 £42,504 were spent, and in 1896 no less than £191,837.

The system of granting concessions remains in full force. The dynamite monopoly still continues (though condemned, not only by public opinion, but by a Volksraad Commission and by the Commission appointed by the Government) to draw large sums from the gold industry, of which only a small proportion finds its way into the coffers of the State. Her Majesty's Government have already protested against the continuance of this monopoly on the ground that it is a breach of Article XIV. of the London Convention. As stated in my despatch of the 13th of January last*, they are advised that the creation of a monopoly in favour of the State is not necessarily inconsistent with that Article, even when exercised by a concessionnaire, provided that the concession is intended in good faith to benefit the State generally and not simply to favour the concessionnaire, but for the reasons given in that despatch they are advised that in the present case these conditions are not fulfilled.

It appears from notices in the "Staats Courant" that other Concessions, which are likely to be practical monopolies, have been granted by the Government within the last three years for the manufacture of matches, paper, chocolate, wool, starch, mineral waters, soap, and oils, all of which, even if open to no other objections, must increase the already excessive cost of living in the Transvaal.

It may be urged that in spite of the enormous taxation above referred to the gold industry is prosperous, and that many individuals have made large fortunes in connection with it. This is true, but, on the other hand, there is no doubt that the full development of the natural wealth of the country has been delayed, and the working of the lower-grade mines has been rendered very difficult, by the heavy burthens imposed, while the welfare of the working classes has been seriously hindered by the excessive cost of the necessaries of life and the general conditions to which they are subject.

Her Majesty's Government, however, attach much less importance to financial grievances than to those which affect the personal rights of the Uitlander community, and which place them in a condition of political, educational, and social inferiority to the Boer inhabitants of the Transvaal, and even endanger the security of their lives and property.

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* No. 1 in [C. 9317] May, 1899.

It is in this respect that the spirit, if not the letter, of the Convention has been most seriously infringed.

For instance, the Government spends 250,000*l.* a-year, mostly taken out of the pockets of the Uitlanders, on popular education, but under conditions which make it almost impossible for the children of Uitlanders to benefit by it. The State system, indeed, appears to be more directed to forcing upon the Uitlander population the habitual use of the Dutch language than to imparting to them the rudiments of general knowledge.

The Law of 1896 dealing with education on the gold-fields has, indeed, been claimed as a reform, but it scarcely even pretends to be so, for it leaves the education of non-Dutch-speaking children in the hands of the Superintendent of Education, who is not controlled by any local representative authority, and it declares that the spirit and tendency of former legislation is to be strictly adhered to. What that spirit is may be gathered from the provisions in law No. 8 of 1892, that all teaching must be in Dutch, and that all school books must be written in Dutch, and from the strict limitation imposed by the law on the number of hours in the week in which any living foreign language may be taught. In no standard may they exceed 4 out of 25, while in the lowest standards none are allowed.

As a matter of fact, Her Majesty's Government understand that in State-aided schools on the gold-fields an increasingly larger proportion of Dutch is required in the higher standards until, in the fourth standard, Dutch is the sole medium of education, with the result that there are only half-a-dozen schools on the gold-fields in receipt of State aid. Yet the Superintendent of Education complained in his Departmental Report for 1896 of the "uneducational and unnational cry for more English."

This grievance, and many others of which the Uitlanders complain, would have been very much lessened if the expectations raised by the President's promises to grant a Municipality to Johannesburg had been fulfilled, and if the Uitlanders of that town had at least been permitted to enjoy the full privileges of local government in reference to purely municipal affairs ; but the Law creating the Municipality wholly fails to give to the majority of the inhabitants any effective control over their own local affairs. Although the burgher population must form a very small minority of the whole (according to the petitioners only about one twenty-fourth), half the members of the Council must under this Law be fully enfranchised burghers. The Burgomaster is appointed and paid by the Government. He is bound to submit every Regulation of the Town Council to the Executive Council within four days of its passing, which latter body may disallow the Regulation. All Minutes must be kept in the Dutch language only. The financial powers of the Council are restricted, and it is clear that the Law is hardly any concession in the way of self-government to Johannesburg.

It will not be out of place here to observe that what was practically a limited form of self-government for the mining industry was strongly recommended by the Government Industrial Commission of 1897, viz., the creation of a Board composed of members appointed by the Government and representatives of the mining industry and commercial firms to supervise the administration of the Liquor Law on the gold-fields, the Pass Law, and the law regarding gold thefts, with a special detective force under them. The reasons which moved the Commission to make this recommendation were (as is clear from the evidence given and from their Report) that the existing Administration was utterly inefficient, or, as they said with regard to the illicit sale of liquor, "A miserable state of affairs exists, and a much stronger application of the Law is required." This stronger application of the Law has never been made, and according to a statement made on the 26th January by the President of the Chamber of Mines, the Liquor Law is simply defied, and drink is supplied in unlimited quantities to the natives employed in the mines. The industry has petitioned for the establishment of the Board recommended by the Industrial Commission, even proposing that all the members should be nominated by the Government, but without result.

Whatever force there may be in the complaints in regard to the legislation of the Republic, the general inefficiency of the Administration, which is so clearly shown in the Report of the Industrial Commission, and continues to be demonstrated by debates in the Volksraads on alleged scandals, probably contributes as much to cause discontent as the legislation itself. It not only seriously affects the financial prosperity of the Republic, but is a continual menace to the security of the lives and property of the Uitlander population, for, grave as are the criticisms which may reasonably be offered on the financial administration, they are of small importance in comparison with the complaints which are made of

the administration of justice and of the arbitrary and illegal action of officials, especially of the police.

As an instance of such arbitrary action, the recent maltreatment of coloured British subjects by Field-Cornet Lombard may be cited. This official entered the houses of various coloured persons without a warrant at night, dragged them from their beds, and arrested them for being without a pass. The persons so arrested were treated with much cruelty, and it is even alleged that one woman was prematurely confined, and a child subsequently died from the consequences of the fright and exposure. Men were beaten and kicked by the orders of the Field-Cornet, who appears to have exercised his authority with the most cowardly brutality. The Government of the Republic, being pressed to take action, suspended the Field-Cornet, and an inquiry was held, at which he and the police denied most of the allegations of violence, but the other facts were not disputed, and no independent evidence was called for the defence. The Government have since reinstated Lombard. Unfortunately this case is by no means unparalleled. Other British subjects, including several from St. Helena and Mauritius, have been arbitrarily arrested, and some of them have been fined, without having been heard in their own defence, under a law which does not even profess to have any application to persons from those Colonies. However long-suffering Her Majesty's Government may be in their anxious desire to remain on friendly terms with the South African Republic, it must be evident that a continuance of incidents of this kind, followed by no redress, may well become intolerable.

But perhaps the most striking recent instance of arbitrary action by officials, and of the support of such action by the Courts, is the well-known Edgar case. The effect of the verdict of the jury, warmly endorsed by the Judge, is that four policemen breaking into a man's house at night without a warrant, on the mere statement of one person, which subsequently turned out to be untrue, that the man had committed a crime, are justified in killing him there and then because, according to their own account, he hits one of them with a stick. If this is justification, then almost any form of resistance to the police is justification for the immediate killing of the person resisting, who may be perfectly innocent of any offence. This would be an alarming doctrine anywhere. It is peculiarly alarming when applied to a city like Johannesburg, where a strong force of police armed with revolvers have to deal with a large alien unarmed population, whose language in many cases they do not understand. The emphatic affirmation of such a doctrine by Judge and jury in the Edgar case cannot but increase the general feeling of insecurity amongst the Uitlander population and the sense of injustice under which they labour. It may be pointed out that the allegation that Edgar assaulted the police was emphatically denied by his wife and others, and that the trial was conducted in a way that would be considered quite irregular in this country, the witnesses for the defence being called by the prosecution and thereby escaping cross-examination.

Some light upon the extent to which the police can be trusted to perform their delicate duties with fairness and discretion is thrown by the events referred to by the petitioners, which took place at a meeting called by British subjects for the purpose of discussing their grievances, and held on the 14th of January in the Amphitheatre of Johannesburg. The Government were previously apprised of the objects of the meeting and their assent obtained, though this was not legally necessary for a meeting in an inclosed place. The organizers of the meeting state that they were informed by the State Secretary and the State Attorney that any one who committed acts of violence or used seditious language would be held responsible, and in proof of the peaceful objects of the meeting those who attended went entirely unarmed, by which it is understood that they did not even carry sticks. So little was any disturbance apprehended that ladies were invited to attend, and did attend. Yet, in the result, sworn affidavits from many witnesses of different nationalities agree in the statement that the meeting was broken up almost immediately after its opening, and many of the persons attending it were violently assaulted by organised bands of hostile demonstators, acting under the instigation and guidance of persons in Government employ, without any attempt at interference on the part of the police, and even in some cases with their assistance or loudly expressed sympathy. The Government of the South African Republic has been asked to institute an inquiry into these disgraceful proceedings, but the request has been met with a flat refusal.

It would seem, indeed, that the Uitlander is not only deprived, by provisions introduced into the Constitution since the Convention of 1884, of any effective political representation, but that he has also been placed by recent legislation under new liabilities unknown when the Convention was signed, if he appeals to public opinion or attempts to bring his complaints to the notice of the Government.

By the Press Law No. 26 of 1896, and the amending Law No. 14 of 1898 which was reprobated by Transvaal newspapers of all shades of opinion, that freedom of the expression of opinion which the original Constitution of the Republic guaranteed, subject only to the responsibility of the printer and publisher for all documents containing defamation, insult, or attacks on any one's character (Grondwet 1858, article 19) is seriously threatened. Under these Laws the President is given the power, on the advice and with the consent of the Executive, of prohibiting entirely, or for a time, the circulation of printed matter which, in his opinion, is contrary to good morals or a danger to peace and order in the Republic. This power has been exercised more than once.

Under the Aliens Expulsion Law (No. 25 of 1896) an alien who is alleged to have excited to disobedience of the law, or otherwise to have acted in a manner dangerous to public peace and order, may be arbitrarily expelled from the country by an Order of the President, while burghers, who cannot be banished, may have a special place of residence assigned to them. From the point of view of the Uitlander, the law draws an invidious distinction in favour of the burgher, who alone is given an appeal to the Courts, and it is thus clearly inconsistent with the spirit of the London Convention, while, as was pointed out in the correspondence on the subject printed in Blue Book, C. 8423, its enforcement might lead to a breach of the letter of that instrument. Her Majesty's Government regret that the Resolution of the Volksraad of July, 1897, in favour of amending the law so as to give every one an appeal to the Courts (see p. 16 of Blue Book, C. 8721), has merely resulted in the passing of Law No. 5 of 1898, which repeals the Law of 1896, and re-enacts it without making any substantial alteration.

Up to 1897, the Uitlander had full confidence that, at all events in cases where he was permitted to appeal to the High Court of the Republic, he would obtain justice ; but that confidence has been rudely shaken by Law No. 1 of that year, under which the President dismissed a Chief Justice universally respected. This Law recites that since the foundation of the Republic the Resolutions of the Volksraad have been recognised as law, and lays down that the Courts have no power to refuse to apply any Resolution because it is, in their opinion, invalid, and instructs the President to dismiss any Judge who, in his opinion, returns an unsatisfactory answer to questions on the subject put to him by the President. It therefore follows that the fifteen gentlemen who compose a majority of the First Volksraad can at any moment amend the law of the land in the most important matters by a mere Resolution, or even interfere in a case pending in the Courts, as was in fact done in the Doms case when the Volksraad, by its Resolutions of the 4th May, 1887, barred a claim brought in the Courts against the State.

The Law has practically had the effect of placing the highest Court of Justice in the country at the mercy of the Executive, and it is calculated to lessen the influence and authority of the Court, and even to throw doubts on the impartial administration of justice in the Republic.

It results from this review of the facts and conditions on which the Petition is founded, as well as from the information derived from your despatches and from other official sources, that British subjects and the Uitlanders generally in the South African Republic have substantial grounds for their complaints of the treatment to which they are subjected.

It is fair to assume that these complaints are directed not so much against individual cases of hardship and injustice, which may occur in even the best governed States, as against the system under which the sufferers are debarred from all voice in the legislation under which such cases are possible, and all control of the Administration through the inefficiency of which they occur. They may be summarised in the statement that under present conditions, all of which have arisen since the Convention of 1884 was signed, the Uitlanders are now denied that equality of treatment which that instrument was designed to secure for them.

The conditions subsisting in the South African Republic are altogether inconsistent with such equality, and are in striking contrast to those subsisting in all British Colonies possessing representative institutions, where white men of every race enjoy equal freedom and equal justice, and new-comers are, after a reasonable period of residence, admitted to full political rights.

In the Orange Free State, where similar privileges are conceded to all aliens resident in the Republic, the Dutch burgher and the foreign immigrant who enjoys the hospitality of the State live in harmony and mutual confidence ; and the independence of the Republic is secured as well by the contentment and loyalty of all its citizens as by the good relations which prevail between its Government and those of other parts of South Africa.

Unfortunately the policy of the South African Republic has been conducted on very different lines, and but for the anxiety of Her Majesty's Government to extend every consideration to a weaker State which in recent years has had just reason to complain of the action of British subjects, and may therefore be naturally prone to suspicion and indisposed to take an impartial view of the situation, the state of affairs must have led to the most serious protest and remonstrance.

Recognising, however, the exceptional circumstances of the case, Her Majesty's Government have refrained since their despatch of the 4th of February, 1896,* from any pressure on the Government of the South African Republic except in cases in which there has been a distinct breach of the provisions of the Convention of 1884; and they have sincerely hoped that the Government of the Republic would voluntarily meet the expectations raised by the President, and would take the necessary steps to secure that willing loyalty of all the inhabitants of the State which would be the best guarantee for its security and independence.

They are most unwilling to depart from their attitude of reserve and expectancy, but having regard to the position of Great Britain as the Paramount Power in South Africa, and the duty incumbent upon them to protect all British subjects residing in a foreign country, they cannot permanently ignore the exceptional and arbitrary treatment to which their fellow-countrymen and others are exposed, and the absolute indifference of the Government of the Republic to the friendly representations which have been made to them on the subject.

They still cherish the hope that the publicity given to the present representations of the Uitlander population, and the fact, of which the Government of the South African Republic must be aware, that they are losing the sympathy of those other States which, like Great Britain, are deeply interested in the prosperity of the Transvaal, may induce them to reconsider their policy, and, by redressing the most serious of the grievances now complained of, to remove a standing danger to the peace and prosperity not only of the Republic itself, but also of South Africa generally.

Her Majesty's Government earnestly desire the prosperity of the South African Republic. They have been anxious to avoid any intervention in its internal concerns, and they may point out in this connection that if they really entertained the design of destroying its independence, which has been attributed to them, no policy could be better calculated to defeat their object than that which, in all friendship and sincerity, they now urge upon the Government of the South African Republic, and which would remove any pretext for interference by relieving British subjects of all just cause of complaint. With the earnest hope of arriving at a satisfactory settlement, and as a proof of their desire to maintain cordial relations with the South African Republic, Her Majesty's Government now suggest, for the consideration of President Kruger, that a meeting should be arranged between his Honour and yourself for the purpose of discussing the situation in a conciliatory spirit, and in the hope that you may arrive, in concert with the President, at such an arrangement as Her Majesty's Government could accept and recommend to the Uitlander population as a reasonable concession to their just demands, and the settlement of the difficulties which have threatened the good relations which Her Majesty's Government desire should constantly exist between themselves and the Government of the South African Republic.

If the President should be disposed favourably to entertain this suggestion, you are authorised to proceed to Pretoria to confer with him on all the questions raised in this despatch.

Her Majesty's Government desire that the British Agent at Pretoria should communicate a copy of the Petition and of this despatch to the Government of the South African Republic, and also communicate a copy of this despatch to the petitioners.

I have the honour to be,
Sir,
Your most obedient humble servant,
J. CHAMBERLAIN.

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* No. 220 in [C. 7933] February, 1896.

No. 84.

COLONIAL OFFICE to the CONSUL-GENERAL FOR THE SOUTH AFRICAN REPUBLIC.

SIR, Downing Street, May 11, 1899.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 5th instant,* transmitting a copy of the contents of a petition signed by about 9,000 Uitlanders, and addressed to the Government of the South African Republic.

I am, &c.,
FRED. GRAHAM.

No. 85.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 13, 1899.)

SIR, Government House, Cape Town, April 26, 1899.

IN continuation of my despatch of the 18th instant,† respecting the negotiations with representatives of the Mining Industry at Johannesburg, I have the honour to transmit to you, for your information, copies of the despatches and telegrams noted in the margin, from Her Majesty's Agent at Pretoria.

15/4/99.
Telegram. 21/4/99.
21/4/99.
Telegram. 22/4/99.
22/4/99.

These enclosures bring the history of the negotiations up to date, and they show, moreover, that the mining population of Johannesburg are beginning to give articulate expression to their views on the question of reforms, in spite of the obstacles placed by the Government of the South African Republic in the way of their doing so.

I would direct your attention to the articles from the "Star," forwarded in Mr. Greene's despatch of the 21st instant.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 85.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, April 15, 1899.

IN continuation of my despatch of the 13th instant, on the subject of the negotiations between the Government and the Mining Industry, I have the honour to transmit to your Excellency herewith a copy of the reply,‡ dated the 14th instant, of the representatives of the latter to the State Secretary's letter of the 8th of April, as published in the "Star" newspaper, and the substance of which I have already communicated to you in my telegram of to-day. I also annex a leading article§ from the same paper dealing with the subject.

A perusal of this letter and its annexures will, I think, make it clear to Your Excellency that the writers have abundantly proved their contention that the Government were parties to the negotiations from the outset. Indeed, it is difficult to understand what can have induced them to take up a position which, as it now appears, was capable of such easy refutation.

On the main issue the letter leaves matters much as they were, but does not close the door to further proposals on the part of the Government. Of course the principal obstacle to prosecuting the negotiations still remains, through the refusal of the Authorities to give the whole Uitlander Community an opportunity of making their views known on the points which immediately affect themselves.

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* No. 79. † No. 81. ‡ *See* enclosure in No. 81, p. 221. § Not reprinted.

It is not easy to see, having regard to the recent action of the Government, how this difficulty is to be overcome, but you will observe that, in the opinion of the "Star" newspaper, "immediate steps must be taken to provide the community with the opportunity of which it has been deprived by the Government, of conveying its views to the representatives of the industry, and strengthening their credentials to speak on its behalf."

If the passage quoted above may be taken as correctly representing the feeling of Johannesburg, it will be interesting to see what steps the community now propose to take in order to give effect to it.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Enclosure 2 in No. 85.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

April 21st. A working men's meeting was held at Village Main Mine, Johannesburg, yesterday, to discuss recent negotiations. Two resolutions were carried unanimously, first, that no settlement of problem would be acceptable to Uitlanders which did not recognise fundamental principle of equal political rights for all white inhabitants. Second, approving recent attitude of representatives of industry, and in particular their memorandum on the franchise, as indicating smallest acceptable measure of reform, but stating that no final arrangement should be concluded until representatives have been chosen from the community at large to consult and assist.—GREENE.

Enclosure 3 in No. 85.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, April 21, 1899.

IN continuation of my despatch of the 15th instant, on the subject of the negotiations between the Government and the Mining Industry, I have the honour to transmit to Your Excellency herewith a copy of the reply, dated the 18th instant, of the State Secretary to the letter of the representatives of the Industry of the 14th of April as published in the "Star" newspaper, and the substance of which I have already communicated to you in my telegram of the 19th instant. I also annex two leading articles* from the same paper dealing with the subject.

The former of these articles opens with the statement that by his reply the State Secretary "politely bows himself out of the negotiations," and the second reiterates the view that "all hope from the negotiations is at an end."

Starting from this basis, after commending the attitude of the representatives of the Industry, who have formulated a petition of rights for the whole community which the population of the Rand may safely adopt as their own, the articles proceed to impress upon the public the necessity of now making their voice heard, and of supporting the general prayer contained in the recent great petition to the Queen, by a strong and determined effort.

The first public indication of a desire on the part of Johannesburg to give expression to its views, notwithstanding the recent hostile attitude of the authorities in regard to the matter, is to be found in the public meeting of working men, held yesterday evening, at the Village Main Reef Mine, at which resolutions commending the recent attitude of the representatives of the Industry, and especially their memorandum on the franchise question, were passed unanimously. A report of the speeches from the "Leader" of to-day is annexed.

I suppose that, the ball having thus been set rolling, further meetings along the Rand may be expected to take place, and that it will thus very shortly be easier to gauge the real feeling and estimate the general opinion of the Uitlander population on the political problem.

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* Not reprinted.

As regards further progress in the negotiations, to which the State Secretary's reply still appears to leave the door open, I have heard it said that the Government anticipate that the leaders of the Industry will even now come forward with fresh suggestions, but, as I have not seen any prominent man from Johannesburg during the last day or two, I cannot say if such is their intention or not. As far as the tone of the Uitlander press is concerned, the newspapers do not appear to consider that any tangible result is likely to ensue even if the negotiations should drag on a little longer, and, seeing that the State Secretary has himself disclaimed any authority to treat on behalf of the Government, find it difficult to see what there is to be gained by pursuing what even Mr. Reitz himself appears to consider as virtually an academical discussion.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner.

"STAR," April 19, 1899.

THE NEGOTIATIONS.

STATE SECRETARY'S REPLY.

PERSONAL INTERVIEW SUGGESTED.

Pretoria, Wednesday (Special).

The following letter was sent by the State Secretary to the Mining representatives yesterday afternoon:

Pretoria, April 18, 1899.

To Messrs. Geo. Rouliot, J. H. Pierce, A. Brakhan, and E. Birkenruth, Johannesburg.

DEAR SIRS,—I have the honour to acknowledge receipt of your letter of April 14. In reply thereto, I only wish to say that if you have any further matter to communicate, either in connection with your previous correspondence, or in connection with any other matter concerning your interests, it will give me the same pleasure to meet you personally as it always does to meet anyone who desires to discuss any question affecting his interests.

I have the honour to be, your obedient servant,
(Signed) F. W. REITZ,
State Secretary.

Enclosure 4 in No. 85.

TELEGRAM.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

April 22nd. At a working men's meeting of the Wolhuter, Goch, Spes Bonas and Jubilee mines, held yesterday, the same two resolutions as those passed at Thursday's meeting, reported in my telegram of yesterday, were carried unanimously.—(GREENE.)

Enclosure 5 in No. 85.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, April 22, 1899.

WITH reference to the concluding paragraph of my despatch of yesterday, on the subject of the negotiations between the Government and the Mining Industry, I have the honour to transmit to Your Excellency herewith an inspired extract from the "Press" newspaper of to-day, giving the substance of an interview between the writer of the extract and the State Secretary with respect to these negotiations, and more especially the question of the franchise.

I have also the honour to enclose an extract from the "Transvaal Leader" of to-day, reporting the speeches made at a public meeting of working men of the Wolhuter, George Goch, Spes Bona and Jubilee mines, which was held on the Rand yesterday, and

at which the same two resolutions as those passed at Thursday's working men's meeting at the Village Main Reef mine, were carried unanimously.

I have acquainted Your Excellency with the above, by my telegram of to-day.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

"PRESS," April 22.

The State Secretary, interviewed yesterday morning in reference to the political situation, said that the statement that the negotiations with Messrs. Rouliot and other representatives of the Mining Industry were broken off, is absolutely untrue. At the last interview he had with Mr. Rouliot, he told him that he (Mr. Rouliot) and his colleagues must rely on the President's promises, which he (Mr. Reitz) considered were honestly meant, although he disagreed with His Honour on certain points regarding the tenders for bewaarplaatsen.

Proceeding, Mr. Reitz said that the President's proposals would be laid before the Volksraad at once.

As regards the franchise, Mr. Reitz said that it would be proposed to the Volksraad to grant the franchise to all persons who had lived in the Republic permanently for ten years, and with that object circulars had been sent to all Fieldcornets, asking them to furnish a return of all persons who had been on their books and had lived in their wards permanently for that space of time. He thought that, deducting the Jameson Raid persons, whose name was legion, and those aliens who did not want the franchise, there would not be found one thousand persons to fulfil the qualifications and accept burghership. If the Volksraad could be convinced that there was nothing to fear as regards numbers, then he had hopes of getting the matter through.

As regards that section of the British public who had taken this franchise question as a grievance, and who advocated the interference of the British Government in the matter, he could not understand the logic of their reasoning, for if the British Government were to urge upon this Government the necessity of greater facilities for British subjects to become Transvaal subjects, then they would, he thought, be acting against their own interests in helping their own subjects to forswear their allegiance and become citizens of another State. He knew, and the Government knew, nothing officially of Mr. Chamberlain's views on the matter, but they had read his views in the newspapers, and he would like an explanation of the attitude that had been taken up, as he entirely failed to understand it.

Regarding the Mining Industry, he understood that a meeting was to be held in Johannesburg, and he was awaiting further communications from Mr. Rouliot.

No. 86.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 22, 1899.)

SIR, Government House, Cape Town, May 3, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch of the 26th ultimo,* and telegrams of subsequent date, a copy of a further despatch on the subject of the negotiations between the Government of the South African Republic and the Mining Industry.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 86.

Her Majesty's Agency, Pretoria,
SIR, April 28th, 1899.

IN continuation of my despatch of the 22nd instant, on the subject of the negotiations between the Government and the Mining Industry, I have the honour to report that there has been no further development of any special interest during the week. It is alleged in the Government organs that the negotiations are still open, and I believe the President of the Chamber of Mines has visited the State Secretary on one occasion, but I have not heard of anything that has resulted therefrom. For the time being public

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* No. 85.

interest is centered in the daily reports, received by cable, of the references in the House of Commons to the situation here, and to the eventual reception of the Uitlanders' petition by Her Majesty's Government.

A series of working men's meetings have been held during the week at the mines along the reef, of which reports* are enclosed, and resolutions have been passed, in almost every case unanimously, supporting the attitude of the Rand Representatives on the Franchise question, as expressed in their memorandum recently forwarded to the Government, and endorsing the great petition to the Queen.

A further development consists in a proposal to appoint delegates from the representatives of the working men who have attended these meetings to meet one another and consider "what steps should be taken to obtain the necessary measures of reform." In fact, that a conference of constituted representatives of the working classes should thus be formed to classify and present the views of that portion of the community in an authoritative form.

No difficulties have up till now been placed in the way of holding these meetings on the part of the authorities.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

No. 87.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 27, 1899.)

Government House, Cape Town,
May 10, 1899.

SIR,

I HAVE the honour to enclose for your information a copy of a despatch and telegram from Her Majesty's Agent on the subject of the negotiations between the Government of the South African Republic and the Mining Industry.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 87.

Her Majesty's Agency, Pretoria,
May 5, 1899.

SIR,

IN continuation of my despatch of the 28th ultimo, on the subject of the negotiations between the Government and the Mining Industry, I have the honour to report that the only development which has taken place during the week has been an interview on Wednesday last, the 3rd instant, between the State President and the President of the Chamber of Mines, who had been specially invited by His Honour to come over to Pretoria for the purpose.

Nothing has as yet been made public as to the upshot of the interview.

As regards the Uitlanders themselves, further working men's meetings have been held at the Durban Deep Mine of the employés in the Roodepoort district, and at the Jumper's Deep Mine, at which the same resolutions as those passed at previous similar meetings were carried, and delegates selected as before to meet delegates deputed by the above-mentioned meetings. I am told that quite a large body of representatives has been elected, as the outcome of these meetings, and that it is intended that these delegates should constitute, so to speak, a standing committee to represent the views of the party of reform. I believe that the meetings already held practically exhaust all the mines along the reef, but that further assemblies elsewhere are in contemplation.

In the meantime I see by the newspapers that, owing to the numerous representations made to them, the promoters of the great petition to Her Majesty the Queen have decided

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* Not reprinted.

to re-open it for signature to enable those who have not yet had an opportunity of signing it to do so, and that signatures are coming in very freely.

In conclusion I beg to enclose a carefully prepared summary* of the Franchise Laws of the Republic, published by the "Star" newspaper, relating the history of the acquisition and loss of burgher rights in successive years in the South African Republic.

I have, &c,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

P.S. Since the above was written I have received the note from the Government, dated to-day, of which a translation is annexed, enclosing a copy of a counter-petition to that recently addressed to Her Majesty the Queen, signed by some 9,000 British, American, German, French and Dutch subjects, and addressed to the State President and Executive Council, and expressing the satisfaction of the signatories with the Government of the Republic. Copies of this petition have been sent to the Foreign Representatives here, and its substance has been cabled to the Transvaal Consul General in London for communication to Her Majesty's Government.

(Translation.)

Ministry for Foreign Affairs,
May 5, 1899.

SIR,

I HAVE the honour to inform you that a petition has been addressed by British, American, German, French, and Dutch subjects residing in this State to His Honour the State President and the Members of the Honourable the Executive Council with about 9,000 signatures, and that more are coming in.

For your information I enclose a copy of the said petition,† and, with reference to the last paragraph thereof, I have further the honour to acquaint you that the Consul-General of the Republic in London has been informed by telegraph of its contents, with a request to bring it to the notice of the British Government.

I have, &c.,
H. C. TEN HAAF,
Acting Under Secretary of State
for Foreign Affairs.

His Honour
The British Agent.

Enclosure 2 in No. 87.

TELEGRAM.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

May 6, 1899. The counter petition referred to in my telegram is generally discredited, as it is openly stated that signatures have been obtained through the instrumentality of Government officials and railway servants, who are mostly naturalized. They, therefore, do not belong to the Uitlander community, and have no right to take the lead on its behalf.

There are only two clauses of the petition calling for notice:—

(1.) The allusion to protection of life and property. The refutation of this is the Edgar incident, the Amphitheatre meeting, the outrages on Monypenny and Mrs. Applebe —all within five months.

(2.) The assertion that the petition to the Queen is the work of capitalists. This petition was founded on the Edgar petition, which was entirely the work of the Edgar

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* Not printed.

† *See* Enclosure in No. 79.

Committee and the South African League, capitalists having no part in it. The best refutation of the assertion is the fact that, on account of his participation in the petition, the President of the League was dismissed by the principal mining company of Johannesburg.—(GREENE.)

No. 88.

The VICE-CONSUL FOR THE SOUTH AFRICAN REPUBLIC to COLONIAL OFFICE.

(Received May 31, 1899.)

SIR, 58, Victoria Street, S.W., May 30, 1899.

WITH reference to Mr. Montagu White's letter of the 5th instant,* containing a copy of the contents of a petition signed by about nine thousand Uitlanders, and addressed to the Government of the South African Republic, I am now directed by the Secretary of State of the South African Republic to inform you that the said petition has now reached the total of twenty-three thousand signatures.

I have, &c.,
A. QUARLES DE QUARLES,
Vice-Consul, South African Republic.

To the Right Honourable
The Secretary of State for the Colonies.

No. 89.

COLONIAL OFFICE to the VICE-CONSUL FOR THE SOUTH AFRICAN REPUBLIC.

SIR, Downing Street, June 3, 1899.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 30th of May,† stating that the petition to the Government of the South African Republic, a copy of which was enclosed in Mr. Montagu White's letter of the 5th ultimo,* has now received a total number of twenty-three thousand signatures.

I am, &c.,
FRED. GRAHAM.

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* No. 79. † No. 88.

SECTION VII.—PROPOSALS FOR A CONFERENCE AT BLOEMFONTEIN.

No. 90.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., May 11, 1899.)

TELEGRAM.

10th May. Yesterday Mr. Hofmeyr, whom I have not seen for some time, approached me with the suggestion that I should meet President Kruger at Bloemfontein. He said that to give us an opportunity and freedom to exchange views on neutral ground, the President of the Orange Free State would invite us both thither. I did not give any answer, but discussed the matter in a friendly spirit. The Prime Minister came to see me this morning, and read me the following telegram:—

Begins: President, Bloemfontein, to Hon. W. P. Schreiner, Cape Town. 10th May. In view of the unsettled state of feeling through South Africa which is caused by the many rumours which receive currency through the newspapers, I have come to the conclusion, after careful consideration, that it might be advisable and lead to good results if a meeting between High Commissioner and President of South African Republic could be arranged here at an early date, at which, as may be desired by them, I could take part or not. The meeting would be with a view to arriving at some satisfactory understanding by discussing the present position in a friendly spirit. If the High Commissioner would fall in with the idea, I have reason for thinking that the President of South African Republic would be inclined to accept an invitation from me to such a meeting. Could you ascertain and inform me whether, if I issued such an invitation, the High Commissioner would accept? *Telegram ends.*

Schreiner, in his own name and that of his colleagues, urged me most strongly to accept the invitation. This was the result, he said, of the influence which he had been using with the Transvaal Government ever since I had warned him of the gravity of the situation; and it was a very great step in advance on the part of President Kruger, as he (Schreiner) regarded it.

I could hardly take that view, I said, as the invitation did not emanate from President Kruger himself, and what was to be the basis or subject of the discussion was not indicated in any way.

The attempt to lay down the subject of the discussion would result, he replied, in a long paper controversy; and he looked for the best result by the substitution for paper controversy of personal discussion.

My reply was that I was entirely in favour of a personal interview in principle; but that without some previous understanding, it might, I feared, only reveal the immense distance between us. I agreed finally to his sending the following message:—

Prime Minister, Cape Colony, to President, Bloemfontein, 10th May.

Thank you for your telegram, which I have communicated to His Excellency. Generally, he agrees as to the desirability of his meeting President Kruger. Before deciding, however, whether he could accept your invitation at present, he must consider carefully on what understanding such a meeting should be founded. He would wish therefore that, until you hear further from me, the invitation suggested by you should wait for the present. Personally, I am sanguine that the proposed meeting may be arranged; but His Excellency's serious consideration is naturally demanded by the matter. *Telegram ends.*

I informed Schreiner that I would see him again about the matter at a reasonable early date; but told him distinctly that it was not one about which I could allow myself to be hurried.

No. 91.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 6.50 p.m., 12th May, 1899.)

TELEGRAM.

12th May. Referring to your telegram of 10th May,* if an invitation to meet President Kruger for the purpose of discussing the present situation in the Transvaal with a view of arriving at some satisfactory solution should be sent to you by the President of the Orange Free State, you are authorized to make the following reply.

You may state, after acknowledging President Steyn's action in appreciative terms, that you are informed that a despatch is already on its way, in which, after carefully examining the general situation and the allegations in the Petition, Her Majesty's Government have suggested for the consideration of President Kruger, with the earnest hope of arriving at a satisfactory settlement and as a proof of their desire to maintain cordial relations with the South African Republic, that a meeting should be arranged between his Honour and yourself for the purpose of discussing the situation in a conciliatory spirit and in the hope that, in concert with the President, you may arrive at such an arrangement as Her Majesty's Government could accept, and recommend to the Uitlander population as a reasonable concession to their just demands, and a settlement of the difficulties which have threatened the good relations which Her Majesty's Government desire should constantly exist, between themselves and the Government of the South African Republic.

And that they have, if the President should be disposed to entertain this proposal favourably, authorized you to proceed to Pretoria to confer with him on all the questions raised in the despatch.

You may go on to say that for many reasons you think the most hopeful method of arriving at a satisfactory arrangement would be a direct negotiation either at Cape Town or Pretoria, but that in view of friendly initiative of President of the Orange Free State you are not disposed to press this.

That therefore, for the purpose of fulfilling the instructions given by Her Majesty's Government in anticipation of the proposed meeting at Pretoria, you will be prepared to meet President Kruger at Bloemfontein.

No. 92.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11.38 p.m., May 15, 1899.)

TELEGRAM.

15th May. I have given answer in terms of your instructions to President of Orange Free State through Schreiner.

No. 93.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.30 a.m., May 17, 1899.)

TELEGRAM.

16th May. Very urgent. Referring to my telegram 15th May.* Following is translation of a reply I have just received from the President of Orange Free State:—

Begins: I have telegraphed your message to President of Transvaal Republic and have now received the following telegram:—

Begins: Your telegram of yesterday. I regret that the High Commissioner goes further than my intention in my last telegram to you. But I remain

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* No. 90. † No. 92.

disposed to come to Bloemfontein, and will gladly discuss every proposal in a friendly way that can conduce to a good understanding between South African Republic and England, and to the maintenance of peace in South Africa, provided that the independence of this Republic is not impugned. (? Dutch word used is "aantasten" in Dutch version). *Ends.*

As I am satisfied that it is the earnest desire of us all to promote peace, harmony, and understanding in all matters of common interest in South Africa, and to try and insure it by all means in our power, and that a meeting such as is proposed may contribute much to remove existing difficulties and misunderstanding, I hope and trust that your Excellency will be able to accept my well-intentioned invitation, which I now send, and will further honour us by consenting to be the guest of this State. May I propose, if you have no other wishes, that Tuesday, 30th, may be fixed as the day of the meeting. I will also propose the date I have named to President of South African Republic. *Ends.*

Am I authorised to accept invitation?

No. 94.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 6.5 p.m., 17th May, 1899.)

TELEGRAM.

17th May. Your telegram of 16th May.* You may accept invitation.

No. 95.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.52 p.m., 18th May, 1899.)

TELEGRAM.

18th May. Your telegram of 17th May.† I have accepted President Steyn's invitation.

No. 96.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.30 p.m., May 18, 1899.)

TELEGRAM.

18th May. I wish to urge strongly that instructions should now be given to me tc tell British Agent at Pretoria to give the petitioners an ad interim reply.

What he should say is, I suggest, that he is instructed to inform the petitioners that their Petition has been receiving the serious consideration of Her Majesty's Government. That Her Majesty's Government, without expressing opinion at this stage on the several allegations contained in the Petition, cannot but express their general sympathy with the view of the memorialists, and that they earnestly desire to see a speedy and substantial change effected in their position. That at this moment they refrain from any further reply to the Petition is due to the fact that a meeting between the High Commissioner and the President of the South African Republic has been arranged, at which it is expected that these questions will be discussed in a conciliatory spirit, together with others at issue between Her Majesty's Government and the Govern-

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* No. 93. † No. 94.

ment of the South African Republic. That the agreement of the President of the South African Republic to meet the High Commissioner is regarded by Her Majesty's Government as an indication that the Government and Volksraad of the South African Republic are sincerely desirous of arriving at a solution by which the reasonable aspirations of the unenfranchised population will be satisfied.

No. 97.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.45 p.m., May 19, 1899.)

TELEGRAM.

19th May. First meeting arranged for 31st May. I leave Cape Town in the morning of 29th May, accompanied by Imperial Secretary. South African Republic President will be accompanied by two members of Executive and State Attorney.

No. 98.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11 p.m., May 22, 1899.)

TELEGRAM.

22nd May. I feel that, without asking for elaborate instructions, I need some indication of line you wish me to take at Conference. It is my own inclination to put in foreground question of Uitlanders' grievance, treating it as broadly as possible, and insisting that it is necessary, in order to relieve situation, that Uitlanders should obtain some substantial degree of representation by legislation to be passed this Session. Following would be general line—Franchise after six years, retrospective, and at least seven members for the Rand; present number of Volksraad South African Republic being twenty-eight, this would make one-fifth of it Uitlander members. If President South African Republic will not agree to anything like this, I should try Municipal Government for the whole Rand as an alternative, with wide powers, including control of police. If he rejects this too, I do not see much use in discussing various outstanding questions between two Governments in detail, such as dynamite, violations Zululand boundary, "Critic" case, war tax, Cape boys and Indians, though it would be desirable to allude to them in course of discussion, and point out gravity of having so many subjects of dispute unsettled. If President South African Republic inclined on the other hand to listen, even to the extent of undertaking to submit to Volksraad reasonable concessions for Uitlanders, I should try then to arrive at basis for the settlement of the other questions.

No. 99.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5 p.m., May 23, 1899.)

TELEGRAM.

You should get my despatch on the subject of the petition about the 30th, but will withhold it for the present in the altered circumstances. I agree that you should reply meanwhile to petitioners as proposed in your telegram of 18th May.*

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* No. 96.

No. 100.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11.45 p.m., May 24, 1899.)

TELEGRAM.

It is not my intention to give you any formal instructions for Conference; I wish to leave you as free as possible a hand.

I think personally that you should lay all the stress on the question of franchise in first instance. Other reforms are less pressing and will come in time, if this can be arranged satisfactorily and form of oath modified. Redistribution is reasonable and important, but you might accept a moderate concession. If fair terms on franchise are refused by President, it appears hardly worth while to bring forward other matters, such as aliens, coloured people, education, dynamite, &c., at the Conference, and the whole situation must be reconsidered. You should not, however, lose sight of possible alternative in shape of full municipal rights for populous mining district and Johannesburg. This I still think a feasible solution, if President fears that independence will be endangered by concession of general franchise.

I had prepared preceding instructions before arrival of your telegram of 22nd May.* Our views, you will see, are substantially the same, and details are left to your discretion.

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* No. 98.

SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

LIBRARY OF THE ROYAL ASIATIC SOCIETY BOMBAY BRANCH

RELATING TO THE

STATUS OF THE SOUTH AFRICAN REPUBLIC.

(*In continuation of* [*C.* 8721] *February*, 1898.)

Presented to both Houses of Parliament by Command of Her Majesty.
August, 1899.

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CORRESPONDENCE

RELATING TO THE

STATUS OF THE SOUTH AFRICAN REPUBLIC.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 9, 1898.)

[*Answered by No.* 5.]

SIR, Government House, Cape Town, March 23, 1898.

I HAVE the honour to transmit to you a letter addressed to you by the Rev. D. P. Faure, on the subject of Her Majesty's Suzerainty over the South African Republic.

In the absence of any confirmation of Mr. Faure's account of these transactions, I do not think it necessary to make any comment upon his letter beyond saying that his version of what took place does not bear out his conclusion that "it was clearly understood and agreed by both contracting parties that Her Majesty's Suzerainty should be abolished except to the extent defined in Article IV. of the Convention of London subsequently signed." According to Mr. Faure, the Transvaal delegates asked for the insertion of a clause abolishing the Suzerainty, and Lord Derby refused to grant their request; the reasons for the refusal are immaterial.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 1.

SIR, Cape Town, March 18, 1898.

THE question as to whether the Suzerainty of Great Britain over the South African Republic still exists or whether it has been abolished by the London Convention, seems rapidly growing into a burning question of the day, and possibly may result in the peace of South Africa being imperilled. And under these circumstances I deem it my duty to address Your Honour on this subject.

When in 1883 the British Government agreed to receive a deputation from the Transvaal, I was, on the advice of Lord Rosmead (then Sir Hercules Robinson), requested by Lord Derby to accompany that deputation, and to act as his interpreter. I was therefore present at all the conferences which took place between the representatives of the Transvaal and those of the Imperial Government. Of the latter all are dead. They were Lord Derby, Sir Robert Herbert, Sir Hercules Robinson (Sir Evelyn Ashley was present on, I believe, one or two occasions).

The object of the deputation was, as is well known, to secure the removal of certain grievances. One of these grievances was the Suzerainty (see C. 3947, 1884, page 3). To this the Transvaal representatives attached great, if not supreme, importance. On the other hand, Lord Derby and Sir Hercules Robinson treated it throughout as a small matter. I am proud to say that Sir Hercules Robinson placed great confidence in me, and I had many interviews with him at his private residence, at his club, and at Brook's Hotel, Albemarle Street, sometimes seeing him at his request and sometimes uninvited. I distinctly remember his saying in the course of one of these conversations that he could not understand why President Kruger was so anxious to have the Suzerainty abolished, that it really meant nothing, that even if it did not exist England would not allow the

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Transvaal to conclude treaties with Foreign Powers which she might consider to be detrimental to her own interests, and that therefore he saw no objection to humouring Transvaal sentiment. And I also remember Lord Derby saying at one of the conferences that as regarded the question of Suzerainty, the deputation was making a mountain of a molehill, but he objected to an article being embodied in the new Convention specifically revoking Her Majesty's suzerain rights, because he did not care to provide the then Parliamentary opposition with weapons for attacking the Ministry—an argument the weight of which was realized by the deputation, for they knew that there was a strong party in the House of Commons which had strongly disapproved of the retrocession of the Transvaal, and was now determined to make no further concessions. In fact, while the negotiations were going on, a public meeting had been held at Mansion House, at which Lord Shaftesbury presided, and where all the speakers declared against further indulgence being shown to the Transvaal.

Of these conferences with the deputation there probably will be no record in your office, for no notes were taken, and all the representatives of the Colonial Office who took part in these conferences or conversations have since departed this life. President Kruger, one of his colleagues, and his secretary are still alive, but they are interested parties. I therefore thought it right that I, as the only surviving disinterested witness, by no means prejudiced in favour of the South African Republic, as is well known here, should, in the interests of truth and justice, offer my testimony, and this testimony is, that it was clearly understood and agreed by both contracting parties that Her Majesty's Suzerainty should be abolished, except to the extent defined in Article IV. of the Convention of London, subsequently signed. And the Transvaal deputation left London completely satisfied with the result of their mission, except with regard to the new boundary line.

As showing that this is no afterthought or a mistake resulting from defective memory, I quote here a few lines of an article which I wrote, immediately after my return to the Cape, in the "Volksblad," a Dutch newspaper, of which I then was the editor. In the issue of that paper dated the 17th of April, 1884, these words occur: "Last, not least, the Suzerainty has been abolished. This, we understand, was in the estimation of the Transvaal Republicans, *the* great thing, and this, the sorest of their grievances, has been removed. The Transvaal may henceforth manage home affairs as it pleases," &c., &c.

In corroboration of my view, I also quote some passages occurring in an account of an interview of the editor of the "Saturday Review" with Lord Rosmead, published in that paper after his death on the 6th of November last. There this interviewer observes: "People in England insist that the Suzerainty was implied in the 1884 Convention, as it was explicit in that of 1881. Is this true?" To which Lord Rosmead replies: "Well, I ought to know, as I drafted it. The meaning 'Suzerainty' was withdrawn, and the word left out purposely. Kruger was not content with the 1881 Convention because of this claim of Suzerainty, and we meant to withdraw the claim in 1884."

I trust that it will not be considered breach of confidence on my part if I publish the above facts, when such publication at any future time may aid in the maintenance of peace in South Africa.

I have, &c.,
D. P. FAURE.

No. 2.

COLONIAL OFFICE to SIR R. G. W. HERBERT.

[*Answered by No.* 3.]

SIR, Downing Street, April 22, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you a copy of a letter * from the Rev. D. P. Faure, who accompanied the Transvaal deputation which visited this country in 1883 to seek the revision of the Convention of Pretoria, in which he expresses his views as to the understanding of both parties in the conferences which preceded the signing of the Convention of London as to the Queen's Suzerainty over the Transvaal. Mr. Chamberlain would be much obliged if you would favour him with your observations on Mr. Faure's letter. I am to enclose a copy of a Blue Book

* Enclosure in No. 1.

(C. 8721), containing a despatch from Mr. Chamberlain, dated 16th October last, paragraphs 19-27 of which appear to have given rise to Mr. Faure's remarks.

A copy of the Blue Book (C. 3947) of 1884, respecting the conclusion of the London Convention, is also enclosed, together with a copy of the Pretoria Convention, for facility of reference.

I am, &c.,
FRED. GRAHAM.

No. 3.

SIR R. G. W. HERBERT to COLONIAL OFFICE.

(Received April 28, 1898.)

SIR, Ickleton, Great Chesterfield, Essex, April 24, 1898.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd inst.,* inclosing, by direction of Mr. Secretary Chamberlain, a copy of a letter addressed to him by the Revd. D. P. Faure, in which that gentleman expresses his views as to the understanding of both parties to the Conference in 1883, which resulted in the Convention of London, with regard to the Queen's Suzerainty over the Transvaal State.

2. My recollection of the transactions to which Mr. Faure refers, and more particularly of the conditions under which the Earl of Derby and Her Majesty's Government advised the Queen to modify the Convention of Pretoria, is in some material respects not in accordance with that of Mr. Faure. I will refer to the paragraphs of his letter in their order.

3. In his third paragraph Mr. Faure says: "The object of the deputation was, as is well known, to secure the removal of certain grievances. One of these grievances was the Suzerainty." Now it is beyond question that when the Transvaal Government in 1883 requested a reconsideration of the Convention of Pretoria, it did not venture to propose the abolition of the Queen's Suzerainty, nor would Her Majesty's Government have been prepared to receive a deputation for the discussion of that matter. What the Transvaal Government represented (see the Acting High Commissioner's telegram of July 25th, 1883, page 1 of C. 3947) was that "the revision of the Convention was urgent, specially with regard to Western Frontier affairs."

4. When, however, they had arrived in London in November, 1883, the Transvaal delegates, in their letter to Lord Derby of November 14th, 1883 (C. 3947, page 5), after suggesting that there were objections "to the *extent* of the Suzerain rights reserved to Her Majesty by Articles 2 and 18" of the Convention of Pretoria, for the first time requested "that the relation of a dependency, *publici juris*, in which our country now stands to the British Crown may be replaced by that of two contracting Powers."

5. Mr. Faure says that "Lord Derby and Sir Hercules Robinson treated this question of the Suzerainty throughout as a small matter." He first quotes his recollection of conversations with Sir Hercules Robinson on this subject. I do not question the general accuracy of Mr. Faure's recollection of those conversations. Sir Hercules Robinson's own personal view was, indeed, that the determination of Great Britain to be the paramount power in South Africa was so strong and so manifest that the Suzerainty was not needed to prevent the Transvaal from applying for or accepting the intervention or protection of any Foreign State, while as regards the ordinary internal affairs of the Transvaal it would be better not to retain the semblance of a disposition to interfere.

6. But this was not the view of Lord Derby and Her Majesty's Government. Lord Derby was aware that the formal withdrawal of the Queen's Suzerainty would be liable to be interpreted as the surrender of the claim of this country to control the foreign relations of the Transvaal; and accordingly, in his letter to the delegates dated November 29th, 1883 (C. 3947, p. 18), he informed them that a draft treaty which they had submitted for adoption as between two equal contracting powers was "neither in form nor in substance such as Her Majesty's Government could adopt."

7. I am therefore constrained to believe that Mr. Faure's recollection of what he supposes Lord Derby to have stated to the Conference at one of its meetings is based upon some misunderstanding of his lordship's words. And, indeed, it would not be in accordance with official usage for a Minister to assign, as a reason for not taking so

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* No. 2.

important a step as the specific revocation of the Queen's Suzerainty, the anticipation of opposition in Parliament. Moreover, Lord Derby's uniform caution and reserve make it very difficult for me to think that he can have done so. Anyhow, I have absolutely no recollection of that or any similar language being used. I desire, however, to add that I in no way question the *bonâ fides* of Mr. Faure's account of his remembrance of this part of the transactions.

8. I must observe, however, that in this paragraph of his letter Mr. Faure admits that Lord Derby did decline to have an article embodied in the amended Convention revoking the Queen's Suzerainty; and also that any such concession would have met with determined opposition in Parliament.

9. I do not think it necessary to refer to the reported conversation of a newspaper interviewer with Lord Rosmead. Much exception has been taken to accounts which have been given of his alleged acts and opinions, and he is no longer able to correct them.

10. In conclusion, then, I have the honour to state that I feel compelled to differ from Mr. Faure's view, as given in paragraph 4 of his letter, that "it was clearly understood and agreed by both parties that Her Majesty's Suzerainty should be abolished except to the extent defined in Article IV. of the Convention of London." Her Majesty's Government expressly declined to substitute a *treaty* for the *Convention* in which the Queen as Suzerain had granted certain powers of self-government to the Transvaal State, and accordingly the Convention of Pretoria was not repealed, in order to preserve that part of it which declared the Suzerainty; but fresh articles were framed, in order to give the South African Republic larger powers of internal administration, and in order to comply with the request of the Republic for greater facilities in initiating negotiations and agreements with Foreign nations.

I have, &c.,
ROBERT G. W. HERBERT.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 25, 1898.)

[*Answered by No.* 6.]

Government House, Cape Town,
May 4, 1898.

SIR,

I HAVE the honour to transmit to you a copy of a despatch from Her Majesty's Agent at Pretoria enclosing a note addressed to me by the State Secretary of the South African Republic in reply to your despatch of the 16th October last,* which dealt with various questions at issue between Her Majesty's Government and the Government of the Republic.

I do not think it necessary to trouble you with the original note, as the State Secretary has accompanied it by printed copies of an English translation, three of which I enclose. The translation has been compared with the original and may be accepted as correctly expressing its sense.

The delay in forwarding the note to you is, of course, attributable to the fact that I was in Basutoland at the date of its reaching Mr. Greene's hands, and I naturally desired to have an opportunity, before sending it to you, of considering it and deciding whether in my opinion it would be useful to accompany it with any expression of my views. Now that I have seen the terms of the note, I do not think that any commentary of mine is likely to be useful.

The note argues at enormous length that the term "suzerainty" is not applicable to the relationship existing between Great Britain and the South African Republic. I am unable myself to see anything very material in this controversy. Both parties agree that the Convention of 1884 determines their mutual relations, and the Government of the South African Government has repeatedly declared its intention of abiding by the terms of that Convention. Unfortunately it interprets the principal clauses in the Convention in a manner quite different from that in which Her Majesty's Government interprets them. What the right interpretation of these clauses is seems to me a matter of moment. Whether the relationship created by them is properly described as "suzerainty" is not, in my opinion, of much importance. It is a question of etymological rather than of political interest.

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* No. 7 in [C. 8721].

Apart from the controversy over the word "suzerainty" the despatch contains little except a renewed plea that differences as to the meaning of the Convention should be referred to arbitration. For my own part, I am satisfied that it would be a grave error of policy for Her Majesty's Government to submit these differences to the arbitration of any Foreign Power. If I do not argue the point further, it is because I feel convinced from the terms of your despatch of October 16th* that Her Majesty's Government has already fully considered this proposition and deliberately rejected it.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 4.

From HER MAJESTY'S AGENT, Pretoria, to THE HIGH COMMISSIONER, Cape Town.

SIR, Pretoria, April 16, 1898.

WITH reference to my despatch of the 10th December last, I have the honour to transmit to Your Excellency herewith a translation of a note which I have received from this Government, dated to-day, enclosing a letter addressed to Your Excellency by the State Secretary, conveying the reply of the Government of the South African Republic to the despatch of the Secretary of State of the 16th of October, with reference to the questions of suzerainty, arbitration, &c.

I have further the honour to enclose duplicate copies of an English translation which accompanies the note.

I have, &c.,
CONYNGHAM GREENE.

His Excellency the High Commissioner.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
April 16, 1898.

SIR,

WITH reference to the despatch of the 16th October, 1897, which His Excellency the High Commissioner has received from the Secretary of State for the Colonies, and a copy of which was enclosed in your note to me of the 6th of December, 1897, I have the honour to transmit to you herewith the reply of this Government, with a translation, and to request that you will forward the same to His Excellency the High Commissioner.

I have, &c.,
DR. W. J. LEYDS,
State Secretary.

His Honour Conyngham Greene, C.B.,
British Agent.

(Translation.)
(R.A. 2081/97.)

Government Office, Pretoria,
April 16, 1898.

EXCELLENCY,

I AM instructed to acknowledge the receipt of a copy of a despatch of the 16th of October last addressed to Your Excellency by the Right Honourable the Secretary of State.

2. The Government, to their regret, cannot conceal from themselves that the reply of the Right Honourable the Secretary of State to the most important points of the despatch of the 7th May last, has greatly disappointed them. That answer appears to be chiefly based on propositions which, in the opinion of this Government, cannot be upheld.

3. The most important proposition contained in the reply is undoubtedly that having regard to the existence of a suzerainty over the South African Republic, a proposition, which is now for the first time since the Convention of London raised in an official despatch from Her Britannic Majesty's Government.

Although not for the first time, yet, in order to prevent any misunderstanding and before setting forth their explicit objections against the above-mentioned proposition, this Government desires to state clearly that it is prepared in every respect to abide by the stipulations of the Convention of 1884.

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* No. 7 in [C. 8721]

4. As an introduction to the discussion of the suzerainty question, this Government desires to premise that whenever in the despatch now under reply, mention is made of suzerainty, Her Britannic Majesty's Government can only refer to such suzerainty as is constituted by and defined in the Convention of Pretoria of 1881.

On such basis therefore are founded the objections of this Government, which, in its opinion, perfectly justify the conclusion that it cannot recognise the existence of any suzerainty since the Convention of 1884.

5. Lord Kimberley, Her Britannic Majesty's Secretary of State for the Colonies, at the time clearly defined what the terms of that suzerainty would be.

In his despatch of the 31st March, 1881,* he says:

"Entire freedom of action will be accorded to the Transvaal Government so far [as] is not inconsistent with the rights *expressly reserved to the suzerain Power*. The term suzerainty has been chosen as most conveniently describing superiority over a state possessing independent rights of Government *subject to reservations with reference to certain specified matters*. The most material of these reserved rights is the control of the external relations of the future Transvaal State, which will be vested in the British Government, including, of course, the conclusion of treaties and the conduct of diplomatic intercourse with foreign powers."

A more definite specification of rights of Her Britannic Majesty's Government under that suzerainty was clearly laid down in the Convention of 1881.

That Convention was ratified by the Honourable the Volksraad of the South African Republic by their resolution of the 25th of October, 1881, Art. 186.

The circumstances under which that ratification took place are clearly detailed in that resolution of the Volksraad. From that Volksraad resolution it appears, *inter alia*, that the suzerainty clauses laid down in the Convention of 1881 were of a more far reaching nature than those laid down in the previous conditions of peace.

The Volksraad resolution in question was duly communicated to Her Britannic Majesty's Government.

6. In the year 1883 a deputation was sent to London with a view to obtain the abolition of the suzerainty. This deputation negotiated a new Convention in 1884, from which the word "suzerainty" and the stipulations in regard thereto were removed.

In their report published in 1884 the deputation stated that the new Convention put an end to the British suzerainty.

Acting on that report, the Volksraad of this Republic ratified the Convention of London. In support of these statements, the following annexures are attached hereto:

a. Letter of the deputation to Lord Derby.

b. Report of the deputation (extract).

c. Ratification, 1884.

7. In the Convention of Pretoria, to which the deputation objected, the term "suzerainty" appears. In the Convention of London the term has disappeared. This disappearance cannot be accidental. The omission was deliberate; one of the parties had objected to it as an obnoxious stipulation and it was excluded in the new Convention. This contention is entirely in accord with the contents of the letter of the deputation to Lord Derby, of the 5th February, 1884.† From that letter it appears that the deputation expected the draft, then being prepared by His Lordship, to contain an agreement between the deputation and His Lordship relative to the abolition of the suzerainty.

The deputation says: "In connection herewith we would respectfully submit to your Lordship's consideration whether it would not be possible to have the other articles of the new Convention, namely, those referring to the abolition of the suzerainty and to the reduction to its legal proportions of the debt of the Republic, simultaneously drawn up and communicated to us, in order to accelerate the complete settlement of the matter."

Lord Derby's reply, bearing the early date of the 15th February, 1884,‡ sending the deputation a draft of the new Convention of London, shows that the method of omitting obnoxious provisions was the one deliberately adopted.

His Lordship said:

"By the omission of those articles of the Convention of Pretoria which assigned to "Her Majesty and to the British Resident certain specific powers and functions connected "with the internal government and the foreign relations of the Transvaal State, your "Government will be left free to govern the country without interference and to conduct "its diplomatic intercourse and shape its foreign policy, subject only to the requirement "embodied in the fourth article of the new draft, that any treaty with a foreign State "shall not have effect without the approval of the Queen."

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* No. 1 in [C. 2892] April, 1881. † No. 22 in [C. 3947] March, 1884. ‡ No. 26 in [C. 3947] March, 1884.

That it was the intention to have the whole of the old Convention superseded by the new one appears moreover from the declarations of the contracting parties, which can be personally confirmed by His Honour the State President, at that time a member of the deputation commissioned to conduct those negotiations.

And, above all, this intention appears undoubtedly from the correspondence interchanged, to which reference will be made later on.

8. In connection with this question there are other circumstances of such great importance that they must not be lost sight of.

In his despatch of the 25th of February, 1896, to His Excellency the High Commissioner, His Honour the State President, in enumerating the reasons for his desire to discuss the question of superseding the Convention of London, with reference *inter alia* to the violation of the territory of the South African Republic—His Honour gives as his concluding reason :

" Because the name alone and the continual arguments on the question of suzerainty which, since this Convention has ceased to exist, are being used as a pretext to maliciously incite, more especially by means of a libellous press, white and coloured people against the legal authority of the Republic."

At the present juncture, these words, taken in connection with the despatch under reply, are of much greater significance than hitherto.

A few lines further down, the same despatch from His Honour the State President reads as follows: " When discussing the superseding of the Convention in its entirety, Article 4 should, of course, not be left out of discussion."

What was then asserted by his Honour the State President, namely that the suzerainty had ceased to exist since the Convention of London has, up to the date of the despatch under reply, not only never been repudiated by Her Britannic Majesty's Government in subsequent communications to this Government, but on the contrary, the Government find from such subsequent correspondence every reason to believe that at the time the Secretary of State fully shared this conception.

In his telegram of the 5th March ensuing to His Excellency the High Commissioner, he observes, already at the commencement: " Her Majesty's Government reciprocate " friendly assurance of President South African Republic and believe that if he accepts " invitation to visit England a satisfactory settlement of all pending questions will be " possible ; at the same time His Honour must not be allowed to undergo fatigue and " inconvenience of a journey to London, without fully understanding views of Her " Majesty's Government."

And further in the 3rd paragraph he says: " But President South African Republic " must clearly understand that Article 4 of the existing Convention must form part of any " such new Convention or Treaty."

As already stated above, Article 4 is the only article in which reference to suzerainty could most suitably have been made, and although the Secretary of State specially mentioned this article, he did not in the whole of his telegraphic despatch, nor later on, make any reference to the position embodied in the simple and clear statement of His Honour the State President, a position which, at the present moment, has become of so great importance, namely that after the Convention of 1884 the suzerainty ceased to exist.

About a year previous, Mr. Buxton, then Under Secretary of State for Foreign Affairs, referred in the British House of Commons to a statement of Mr. H. W. Smith, in which the latter, as Mr. Buxton said, gave an interpretation of the existing relations between England and the South African Republic, in which the British Government, as Mr. Buxton, said, concurred. These words of Mr. Smith referred to by Mr. Buxton are the following :—

" The Convention of London made in 1884 between Her Majesty and the South " African Republic contains no express reservation of the Queen's rights of suzerainty, and " although Her Majesty retains under the Convention the power of refusing to sanction " treaties made by the South African Republic with foreign States and Nations and with " certain native tribes, it is a cardinal principle of that settlement that the internal govern- " ment and legislation of the South African Republic shall not be interfered with."

This Government is of opinion that in this respect it may also refer to the very important declaration of Sir Hercules Robinson, afterwards Lord Rosmead, made shortly before his demise, in an interview with the editor of the " Saturday Review " and published in that paper. Her Britannic Majesty's Government have, if necessary, better opportunities than this Government of ascertaining the perfect correctness of these utterances, but the statements are so fully in accordance with the grounds put forward in this despatch against the existence of a suzerainty, and the words of Sir Hercules Robinson,

being himself one of the contracting parties who signed the Convention, appear to this Government to be of so much weight, that it has felt compelled to quote them.

" People in England insist," said Mr. Harris to Lord Rosmead, " that the suzerainty " was implied in the 1884 Convention as it was explicit in that of 1881 ; Is this true ? "

Lord Rosmead replied, according to the published report of the interview, literally as follows : " Well, I ought to know, as I drafted it. The meaning 'suzerainty' was " withdrawn, and the word left out purposely. Kruger was not content with the 1881 " Convention, because of the claim to suzerainty, and we meant to withdraw the claim in " 1884. What's the good of claiming more power than you have got ? "

This Government further coincides with the view expressed by the Marquess of Salisbury, Secretary of State for Foreign Affairs, as clearly set forth by His Lordship in his telegraphic despatch to His Honour the State President, communicated in a telegram of His Excellency the High Commissioner, of the 15th of February, 1896, in reply to a telegram from this Government of the 10th of the same month. The noble Marquess, referring to " the complete independence enjoyed by the South African Republic, subject " to London Convention of 1884," states that " he accepts in all their fulness the " arrangements made with the South African Republic by the London Convention " of 1884."

9. That the suzerainty established by the Convention of 1881 was abolished as a result of the Convention of 1884 also becomes clear when the altered relations between the British Government and the South African Republic since the time of the Convention of 1884 are taken into consideration.

The rights of suzerainty under the Convention of 1881 can be classified as follows :

1°. The incompetency of the South African Republic to take direct action in negociations with foreign Powers.

2°. The control by the British Resident of external and certain internal affairs.

3°. The right of conducting British troops through the territory of the South African Republic.

Dealing with these different points in consecutive order, the Government come to the following conclusions :—

Ad Im. The incompetency of the South African Republic to carry on direct negociations with a foreign Power is reduced to the obligation to submit their foreign treaties to the approval of Her Britannic Majesty ; the right of disapproval only to be exercised within six months, and in case such foreign treaty should be contrary to the interests of Great Britain or of one of Her Britannic Majesty's possessions in South Africa.

All powers of negociation, of which mention is made in the despatch of Lord Kimberley of the 31st of March, 1881,* and in Article 2 of the Convention of 1881, as belonging to Her Britannic Majesty's Government, are again vested in the South African Republic.

Since 1884 up to the present the continual practice, as exercising the rights of the South African Republic, for instance, in the appointment of diplomatic and consular representatives, has been to follow a course of action incompatible with the existence of a suzerainty.

The Government of the South African Republic have appointed consular officials even in Great Britain, and the British Government have granted Exequatur to those officials. But not only that, there is a stronger fact ; the British Government have appointed consular officials in the South African Republic, and have applied to the Government of this Republic for the Exequatur of these officials. This facts also shows clearly that the consequences of the abolition of suzerainty have since 1884 been accepted by the British Government.

Ad 2m. The British Resident, who was appointed under the Convention of 1881, and who possessed great power of control over the external and some of the internal affairs of the South African Republic, disappears after the Convention of 1884.

This point is an important one in connection with the question of suzerainty when the duties of that Resident, as described in the Convention of 1881, are taken into consideration.

Ad 3m. The power to conduct troops through the territory of the South African Republic disappears in the ordinary manner by the omission of the article in question.

From these considerations it appears therefore that all these points under the suzerainty existing before 1884 have been reduced to the obligation to act in accordance with Article 4 of the Convention of London as regards the conclusion of treaties or engagements.

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* No. 1 in [C. 2892] April, 1881.

Under that Article 4, the South African Republic negociates with foreign Powers without consulting Her Britannic Majesty and concludes treaties without such consultation; the only obligation imposed upon it in this respect, according to the clear statement of Lord Derby in his despatch of the 15th February, already quoted, being embodied in the observance of the stipulation that no treaty with a foreign Power shall be of force without the approval of the Queen.

10. In the rules of interpretation of international agreements, Woolsey says, *inter alia:* "If two meanings are admissible, that is to be preferred which is least for the advantage of the party for whose benefit a clause is inserted. For in securing a benefit, he ought to express himself clearly. The sense which the acceptor of conditions attaches to them ought rather to be followed than that of the offerer."

"Odious clauses, such as involve hard conditions for one party, are to be understood strictly, so that their operation shall be brought within the narrowest limits."

The bearing of these rules on the question of the existence of suzerainty is clear.

If the British Government had wished to retain the suzerainty in the Convention of 1884, as well as in that of 1881, it would have been necessary for the British Government to have come to a clear and distinct understanding on that subject.

Such onerous obligations of the South African Republic as do exist must be distinctly defined, but, in the opinion of this Government, on no account by an interpretation of the Secretary of State for the Colonies binding on the Republic.

Whereas it appears to the Government that the Secretary of State wishes to deny the application of the principles of International Law to the interpretation of the London Convention, they desire in this connection still to point out that, as they have been informed, the above-mentioned rules of construction are identical with those adopted by the Courts of Justice of England in respect of all agreements.

11. This Government now desires to submit a comparison of the text of the Conventions of 1881 and 1884, to which it is led more especially by the technical contention contained in the despatch under reply that the Preamble of a previous Convention remains in force although all the Articles of the old Convention have been replaced by new ones.

In the Convention of 1881 express reference is made to suzerainty as well in the Preamble as in the Articles.

In the Convention of 1884 no reference is made to suzerainty either in the Preamble or in the Articles.

If a suzerainty was intended, the question arises why no allusion was made to it in Article 4, the only Article in which such reference would have been appropriate. In Article 18 of the Convention of 1881, reference is made to the High Commissioner as "representing the suzerain." In the Convention of 1884 no reference is made to the approval of the Queen in Her capacity as Suzerain. This omission was evidently expressly made.

Whenever it was the intention to preserve any stipulation of the old Convention of 1881, it was reinserted in the Convention of 1884.

Reference to Articles 13, 14 and 15 of the Convention of 1881, and to Articles 8 and 19 of the Convention of 1884, will distinctly bear out this fact, from which, in the opinion of this Government, incontestably follows that the Convention of 1881 was abolished in its entirety.

The text of the Preamble of the Convention of London of 1884 clearly shows that it was not the intention merely to alter the Articles of the Convention of 1881 (and to allow the Preamble of 1881 to remain in force), but to have the Convention altered in its entirety. The Preamble of 1884 makes no mention of "new Articles," but of "the following Articles of a new Convention."

The Preamble of 1884 expressly acknowledges a new State; no mention is made in it of the "Transvaal territory" subject to the suzerainty of Her Majesty—as is the case in the Preamble of the Convention of 1881—but of the "South African Republic" without further description.

The old Preamble of 1881 *can* no longer be in force, otherwise two Preambles would exist, that of 1881 and that of 1884, in direct opposition to each other and at the same time in force.

The provision made in the last part of the Preamble of 1884, that as long as the new Convention shall not be ratified "the old Convention shall continue in full force and effect," can have no other meaning than that after the ratification of the new one the old one ceases to have effect.

12. Now that the alleged suzerainty has been considered from the point of view of

the text of the Conventions, the Government still wish to submit it from another standpoint.

The extent of the suzerainty existing under the Convention of 1881 was defined in the despatch (already quoted) of the Earl of Kimberley of 31st March, 1881*:—In that despatch it is stated that "Entire freedom of action will be accorded to the Transvaal Government, so far as is not inconsistent with the rights expressly reserved to the suzerain Power.

"The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of government subject to reservations with reference to certain specified matters."

Consequently it follows that if suzerainty had continued to exist under the Convention of London of 1884, the only rights which could have been claimed by the British Government would have been such as were "*expressly reserved to the suzerain Power with reference to certain specified matters.*"

Her Britannic Majesty's Government would not have been justified as a result of the vagueness and the indefinite nature of the word "suzerainty" in claiming for themselves certain vague and indefinite rights.

13. But this Government now wishes further to prove in the most incontestable manner that the statement of the Secretary of State for the Colonies in § 21 of his letter under reply, viz., that the Preamble of the Convention of Pretoria of 1881 has been retained—is founded on a misunderstanding.

This Government is in the possession of a declaration, made by Messrs. Kruger and Esselen, respectively member of and secretary to the deputation of 1884, stating that it was expressly agreed upon verbally with Lord Derby that the suzerainty was to be abolished.

But there is more. This Government has the written evidence in its archives that Lord Derby himself proposed that the Preamble of the Convention of 1881 should be abolished.

In Lord Derby's letter (already referred to) of the 15th February, 1884 (Bluebook C 3947, page 43), his Lordship sends to the Deputation a draft of *the new Convention*, which Her Majesty's Government propose, *in substitution for the Convention of Pretoria.* This draft was not printed in the Bluebook, but the original is still in the possession of this Government.

A true copy of the first page is affixed as an annexure to this letter. It is so clear in itself that it seems unnecessary to add one word thereto.

Indeed, this page gives in printed form in succession first the Preamble of 1881 and then the Preamble of 1884.

At the head is to be read the *note: The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*"

Now the Preamble of 1881 is "within a black line," and is thus omitted. No conclusion can be clearer.

There is still more. The last page of the "*draft*" sent by Lord Derby shows most distinctly that His Lordship meant to have the suzerainty abolished. A true copy of the last page also accompanies this letter as an annexure.

That page above referred to indicates the concluding portion of the Convention of 1881, and the following words therein appearing, viz., "*subject to the suzerainty of Her Majesty, Her Heirs and Successors,*" have been crossed out by Lord Derby.

14. After all that has already been set forth, this Government has no desire to refer to various authors, as it is in a position to do, but confines itself to the statement that most eminent Jurisconsults on International Law support it in its contention that there is no longer any suzerainty in existence.

15. This Government now desires to put forward a few considerations with regard to those points in the despatch under reply—especially par. 8 and 9, and in connection therewith par. 5 and 22—which refer to the international status of the South African Republic.

The Convention of London, so the Government understand, is regarded by the Secretary of State as a declaration by Her Britannic Majesty's Government of the conditions under which they have accorded self-government to the South African Republic, and the Secretary of State alleges, if this Government understands rightly, that the general principles of International Law as applied to ordinary treaties between independent Powers are not applicable to the Convention of London.

These allegations can be reduced to the contention that the Convention of London owes its existence to a grant on the part of Her Britannic Majesty, and that the South

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* No. 1 in [C. 2892] April, 1881.

African Republic is not entitled to make an appeal to the general rights of States, including the inherent right of self-preservation under the Law of Nations, to which an appeal was made in the despatch of this Government dated 7th May last.*

The first of these contentions is clearly incorrect, whether the question is regarded as a statement of an historical fact, or as a definition of the present status of the parties to the Convention.

The second contention is entirely without foundation in the theory or practice of International Law.

The description of the Convention of London as a "grant" of self-government to the South African Republic by Her Britannic Majesty, cannot, in the opinion of this Government, be justified.

The present independence of the South African Republic derives its formal acknowledgment by the British Crown—in no sense, however, its real orgin—from an international agreement, acknowledged as being equally binding on both parties.

As the Secretary of State so clearly stated in his despatch of the 6th March, 1897, the provisions of the Convention which are mutually binding on both Governments cannot be altered by either for its own convenience in the slightest detail without the previous consent of the other.

Even from a superficial perusal of the Convention it is manifest that the origin is bilateral; the consent of the South African Republic being as essential a condition as the consent of Her Britannic Majesty. The whole sense and contents bear this out.

Obligations are undertaken thereby on the part of Her Britannic Majesty as well as on that of the South African Republic.

The exact meaning of the contention that the general principles of International Law as applicable to ordinary treaties between independent Powers, and the rights deducible therefrom, are not applicable to the interpretation of the Convention of London, is not altogether clear.

The contention may mean that the Convention of London is a "grant" from the British Crown, which possesses the sole competence to interpret its own grants, and that the document is not international. Or it may mean that the Convention is an agreement between two Powers not on the same footing. If the first interpretation be correct, what has already been said above in this respect may be applied.

If, on the other hand, the second one is correct, this Government wishes to point out that the British Government, by its agreement to refer certain matters, namely, Article 1 of the Convention, to a friendly third Power, has acknowledged the international character of the document, as well as the fact that it falls within the sphere of International Law. By the Convention of London, the British Government have acknowledged the right of the South African Republic to conduct negociations with foreign Powers. The rights and obligations which arise out of these negociations under the treaties and engagements approved by Her Britannic Majesty, according to the Convention, must in the case of misunderstanding be referred to some law; such law, in the opinion of this Government, can be no other than International Law.

If, however, and this is scarcely possible, the meaning should be that the Law of Nations is less applicable to the interpretation of Treaties or engagements between Powers not on the same footing than between Powers of equal standing, this Government still wishes to point to the fact that, as far as is known to them, extensive regulations for both kinds of agreements have been laid down by authorities from Grotius down to those of most recent date, which, in its opinion, fully confirms its contention that the one as well as the other description falls within the sphere of International Law.

Again, if it is contended that the right of States standing on an equal footing, deducible from the general principles of International Law, are of greater extent than the rights in like manner deducible from and applicable to States on an unequal footing, and bound by a special treaty, as is the case with the South African Republic, the answer is a denial of the truth of the contention.

All essential rights of States, including those of self-preservation, deducible from general principles of International Law are just as applicable and just as necessary in the case of States bound by such treaties as that binding on the South African Republic, as in the case of States which are not bound by such treaties.

And on whatever ground Her Britannic Majesty's Government may wish to base its contention—that the Convention of London must not be interpreted by the general principles of International Law, applicable to treaties between two States on an equal footing—one answer is conclusive:—

There is no other law to which the interpretation can properly be referred.

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* Enclosure in No. 4 in [C. 8721].

The Government have considered it advisable to deal with this subject in a somewhat exhaustive manner because it stands in close connection with the refusal contained in the despatch under reply to have any differences arising out of the Convention settled by arbitration.

In this connection the Government deem it desirable before leaving the subject now being dealt with to refer to the statement of the Secretary of State.

"The South African Republic is bound to adhere strictly to the terms of those "conditions (*i.e.*, those contained in the Convention of London), and is not entitled to "import into them any qualifications based on rights of nations which are not bound by "similar obligations arising out of similar circumstances."

But the question arises as to which Law an appeal should be made in case the South African Republic, whilst not desiring to import into the conditions any qualifications, does desire a fair interpretation of those conditions, when every ground for a difference of opinion as to such interpretation exists.

16. This Government further wishes to make a few observations regarding those parts of the despatch under reply, which refer to what was submitted in its despatch of the 7th May last,* in regard to *the Aliens Law.*

The Government are of opinion that they have every reason to recur to the objections raised in the despatch of the 7th May * against the position taken up in this connection by Her Britannic Majesty's Government. They do not find any effort made in the despatch under reply to refute them; these objections being only regarded as not admissible on the ground of the claim to the existence of a suzerainty, and on the right, which Her Britannic Majesty's Government have assumed, of being the sole arbiter in the interpretation of certain matters in the Convention of London, which interpretation shall be binding on the South African Republic.

This Government, however, has a just claim to a fair interpretation of its rights and obligations under the Convention of London, and is of opinion that such an interpretation must be governed by the rules of International Law.

The Secretary of State says: "The words in Article 14 which make conformity with the Laws of the Republic a condition of the right to enter, travel and reside therein, do not, in the opinion of Her Majesty's Government, give an implied power to the South African Republic to legislate for the purpose of excluding persons who would otherwise be entitled to the benefit of the article by imposing conditions which it is impossible for them to fulfil. Such an implication would enable the Republic to reduce the article to a nullity."

The South African Republic is, in the opinion of this Government, like all civilized States, entitled to impose conditions of admission, with which convicts, idiots, or lepers could not possibly comply, and the contention of the British Government that the South African Republic does not possess such a right is, in the opinion of this Government, not in accordance with the principles of International Law.

The contention that such an implication would enable the Republic to reduce the article to a nullity, is, in the opinion of this Government, not justified, inasmuch as ordinary persons cannot fall under the above-mentioned category, unless it should be implied that the Republic does not act in good faith. However, the good faith of the Republic has been proved by the instructions which were issued to enforce the stipulations of the Aliens Law in a moderate manner, as also by the careful consideration which they have given to each special case which was brought to their notice.

17. As regards the 6th clause of the despatch under reply, the Government wish to remark that, although they cannot consider themselves bound by the opinions of their legal advisers (with which they, however, in this case entirely concur) they allege that what Mr. Chamberlain says thereanent does not apply in this case. For the opinion given at the time by myself as State Attorney referred to a resolution of the Honourable the First Volksraad, for the purpose of making, if possible, such enactment as would tend to prevent the influx of *all* Asiatics, and thus to prevent entirely the influx of those Asiatics as a race.

Under these circumstances, the Government cannot see how this instance can be brought to bear by the Secretary of State upon the consideration of the Aliens Law, inasmuch as the latter did not contain regulations with regard to the *exclusion* of a particular race or of a particular nationality, but referred to the *regulations for the admission of foreigners in general.*

In order to prevent any misunderstanding, the Government wish to add that, in common with the population of the States and Colonies of South Africa, they are and remain

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* Enclosure in No. 4 in [C. 8721].

fully alive to the great evils connected with the emigration of Asiatics to South Africa in general and to the South African Republic in particular.

Before leaving that part of the despatch as is at present under reply, and which refers to the Aliens Law, the Government feel obliged, owing to the great importance of the matter, to again point out, in connection with the 3rd clause that, to their regret, they have not been able to entertain the suggestion of Her Britannic Majesty's Government to refer any proposed measures to be taken for the exclusion of undesirable foreigners for discussion by Her Britannic Majesty's Agent and a representative of this Government, and more especially the suggestion made in connection therewith, to submit any proposals on which they might agree to Her Britannic Majesty's Government, inasmuch as this Government regards that question as an internal matter, and one therefore which falls exclusively under the administration of the Government of the South African Republic.

18. The Government find no occasion to offer any special remarks in regard to what is said in the despatch under reply about the Expulsion Law and the Press Law.

It is indeed satisfactory to note the admission made by Her Britannic Majesty's Government, viz., that these laws are not in themselves necessarily in conflict with the London Convention.

Moreover the Government beg to refer to what has already been said in this respect in their despatch of the 7th May last.*

19. With regard to the submission of copies of treaties to Her Britannic Majesty's Government in terms of Article 4 of the London Convention, this Government notes that Her Britannic Majesty's Government adheres to their view as regards the meaning of the word "completion."

This Government regrets that in this connection it does not find sufficent reason stated either why it should deviate from its opinion; wherefore it again begs to draw the attention of Her Britannic Majesty's Government to its own, and, as it still thinks, correct, views as fully set forth in its despatch of the 7th May, 1897*, and to the grounds adduced in support thereof and also explained therein.

Her Britannic Majesty's Government state that they would be prepared, in the case of treaties which require to be confirmed by the legislatures of the contracting States and which contain or have appended to them a declaration that they will not come into force until they have been either expressly approved by the Queen or submitted to Her Majesty's Government for Her approval and not objected to within six months after such submission, to waive their strict rights and be satisfied if such treaties are submitted to them immediately after having been confirmed by the Legislatures of the contracting States.

With regard to this, this Government has no objection to state that it is prepared, in concluding treaties subject to Article 4 of the Convention of London, to draw the attention of the other party to the contract to the stipulations contained in that Article.

20. In connection with the question of the Geneva Convention, a contention is made which this Government cannot allow to pass without comment.

The despatch under reply says:—

"It must be observed that the objections taken by Her Majesty's Government have "not been to the substance of the treaties or engagements in question, but to the methods "by which the Government of the South African Republic have appeared to them (Her "Majesty's Government) to seek to avoid the provisions of Article 4 of the Convention."

In its despatch of the 7th May, this Government, in view of a similar accusation expressed itself in the following statement, which it wishes to repeat with emphasis:— "It thinks it may justly take exception to the introductory clause in so far as it embodies "if not the accusation, yet the suggestion, that, notwithstanding the assurance of His "Honour the State President, that he wishes to respect the Convention, it has violated "that Convention. It trusts that Her Britannic Majesty's Government, after a serious "consideration of all the facts and circumstances, as explained above, and also as set "forth in the despatch at present under reply, will find ample reason for dismissing "from their minds even the suggestion of bad faith on the part of this Government."

21. In their despatch of the 7th May last,* this Government further said:—"Heavy "blows have, however, been dealt to that good understanding and that confidence by events "which cannot be lightly forgotten, and were it not that this Government wished to "avoid taking up a recriminating tone, it might put the question whether Dr. Jameson's "incursion, either regarded as a breach of the Convention or as a grievance in itself, is not "of infinitely greater moment than the several matters urged by Her Britannic Majesty's

* Enclosure in No. 4 in [C. 8721].

"Government, even if their contention that these constitute breaches of the Convention, "could be accepted."

The Secretary of State takes exception hereto in his despatch under reply :—

"Her Majesty's Government have uniformly fulfilled these obligations on their part, "and they must strongly protest against what appears to be an implication in the note "under consideration that the incursion of Dr. Jameson can be considered as either "a breach of the Convention by Her Majesty's Government or as a grievance against "them. That incursion was the act of private individuals" . . . . And in the 18th clause of the despatch under reply the Right Honourable the Secretary of State says :—

"Her Majesty's Government feel constrained to contrast their loyal action in the "case of the Jameson raid with the cases in which they have had cause to complain that "the Government of the South African Republic failed to interfere with, if they did not "countenance, invasions of the adjacent territories by its burghers in violation of the "Convention."

After these, in the opinion of this Government, unjust, unfair and wounding comparison and accusations, they regret to feel constrained to consider this matter further.

With regard to the facts in reference thereto, which are still fresh in the minds of all, the Government feel bound to state that it does not appear correct to describe an incursion by the Administrator of the British territories of Matabeleland and Mashonaland and by the officers of Her Britannic Majesty's army and the troops under his command as an act of private individuals.

The troops which raided the territory of the Republic served under the British flag.

Their enlistment, armament, and equipment took place in British territory and under the orders of the Administrator, who derived his authority from the British Crown. The military officers of the expedition held their commissions as officers in the army of Her Britannic Majesty.

Moreover, before a Committee of the Lower House of the British Parliament, Mr. Cecil Rhodes, member of Her Majesty's Privy Council, has acknowledged that he, at the time being Prime Minister of the Cape Colony, has aided the preparations for the incursion by the Administrator with money and advice.

It has further been proved that a high Imperial official, Sir Graham Bower, Imperial Secretary to the High Commissioner for South Africa, had a knowledge of these preparations and that he took no steps to frustrate them or even to bring them to the knowledge of the Government of the South African Republic.

In the cases of Stellaland and Goosen referred to by the Secretary of State, the facts were quite otherwise.

There was a state of war in existence between native chiefs recognised to be independent and who on both sides called for persons to enter their service.

These persons were in no way exclusively subjects of the Republic ; they came from all parts of South Africa and were to a very great extent of British nationality.

This Government is of opinion that these cases can safely stand the test of a comparison with the Jameson raid and can only repeat the statements thereanent contained in the despatch of His Honour the State President of 17th March, 1896.

22. The Secretary of State says that Her Britannic Majesty's Government can not consent to having questions as to the infringement of the Convention submitted to the arbitration of any foreign Power or of the nominee of any foreign Power.

Her Britannic Majesty's Government basing its refusal to consent on the ground that "Her Majesty toward the South African Republic holds the relation of a suzerain who has accorded to the people of that Republic self-government upon certain conditions, and that it would be incompatible with that position to submit to arbitration the construction of the conditions on which she accorded self-government to the Republic."

Arguing, apparently, with regard to the meaning of the Convention, the despatch further says : "One of the main objects which Her Majesty's Government had in view was the prevention of the interference of any foreign Power between Her Majesty and the South African Republic, a matter which they then held and which Her Majesty's present Government hold, to be essential to British interests, and this object would be defeated by the course now proposed."

"The clear intention of Her Majesty's Government at the time of the London Convention, that questions in relation to it should not be submitted to arbitration is shown by the fact that when the delegates of the South African Republic in the negotiations which preceded that Convention submitted to Her Majesty's Government in the first instance (in a letter of the 26th of November, 1883, which will be found on page 9 of the Parliamentary Paper C. 3947 of 1884) the draft of a Treaty or Convention containing an

arbitration clause, they were informed by the Earl of Derby that it was neither in form nor in substance such as Her Majesty's Government could adopt."

As regards the precedents put forward by this Government in favour of arbitration, the despatch under reply says that there can be no comparison between the fixing by arbitration of the details of a boundary which had been agreed upon in principle and the conditions of the Convention.

The despatch further states that the arbitration of the Chief Justice of the Orange Free State as to the so-called Coolie question, arose out of the construction of a law which had been passed by the Volksraad after Her Majesty's Government had waived their rights under the Convention and that "as a matter of fact the construction of the law and not of the Convention (though it had some bearing on the question in dispute) was the subject of arbitration."

The Government have already in the respective portion of this despatch set forth their reasons for their contention that Her Britannic Majesty's Secretary of State for the Colonies is not justified in his contention regarding the existence of a suzerainty.

If such suzerainty, as this Government maintains, does not exist, Her Britannic Majesty's Government is not justified in their refusal to submit questions of difference to arbitration, on the ground that such would not be compatible with a suzerainty. But in the opinion of this Government it is also clear that even if the suzerainty established by the Convention of 1881 existed, the South African Republic would be just as justified as they are now in appealing to arbitration as the tribunal under international law peculiarly adapted for the decision of a difference relating to the meaning and the extent of the rights and the obligations of the South African Republic towards the British Government.

This becomes clear on consideration of the Earl of Kimberley's definition of the word "suzerainty," as above referred to, and as being employed in the Convention of Pretoria, the only document in which it appears: "Entire freedom of action will be accorded to the Transvaal Government so far as is not inconsistent with the rights expressly reserved to the suzerain Power. The term "suzerainty" has been chosen as most conveniently describing superiority over a State possessing independent rights of Government subject to reservations with reference to certain specified matters."

A right to constitute itself the sole judge of a document between two parties, and affecting two parties, to which it is one of the parties, has not been reserved to the British Government, either in the Pretoria Convention of 1881, or in that of London of 1884.

The British Government can therefore have no such power even under suzerainty.

In consequence of the statement of the Right Honourable the Secretary of State to the effect that one of the principal *objects* which Her Majesty's Government had in view was to prevent the interference of any foreign Power whatever between Her Majesty and the South African Republic, the Government are compelled to remark that the *intention* of Her Britannic Majesty's Government in itself and alone can not in justice be considered the only criterion by which the *objects* of the Convention are to be tested.

It is clearly necessary to consider the *intention of both parties* in this connection.

The Government may also point out that it does not appear very flattering to describe the reference of a difference of opinion with regard to a treaty to the arbitration of a friendly third Power such, for example, as the Orange Free State or the Swiss Federal State, as an "interference between Her Majesty and the South African Republic." The Government cannot regard such a reference other than in the light of friendly assistance invoked in the interest of permanent peace and order in South Africa.

With regard to the precedents in favour of arbitration, set forth in its previous despatch dated the 7th of May last, this Government has some difficulty in appreciating the difference Her Britannic Majesty's Government now attempts to establish between previous instances and the present case.

The Secretary of State for the Colonies, says that, under the circumstances cited by him, there can be no comparison between the fixing by arbitration of the details of a boundary and the construction by arbitration of the meaning of the Convention itself.

With regard to this contention this Government desires to point out that the fixing of the Western boundary was, in the opinion of both Governments, one of the principal questions involved.

In any case the arbitration such as was selected was arbitration by a foreign Power against which the Secretary of State now wishes to base a claim for exclusion.

The contention that the actual decision of the Chief Justice of the Orange Free State in the so-called Coolie question was not an award as to the construction of certain clauses of the Convention (as well as the interpretation of certain laws of the South African Republic) is, in the opinion of this Government, clearly refuted by the text of the award.

To facilitate matters, this Government wishes to quote textually as far as necessary. The award states :

"Whereas certain questions have arisen between the Government of the South "African Republic and the Government of Her Majesty the Queen of the United "Kingdom of Great Britain and Ireland, with reference to the fourteenth article of a "certain Convention entered into in London, on the 23rd day of February 1884, by the "representatives of the said Governments, on behalf of the said Governments respectively, "with reference to Law No. 3 of 1885 enacted and in the year 1886 amended by the "Volksraad of the South African Republic, and with reference to certain despatches "thereunto relating."

"And whereas the said Governments have agreed to submit the said questions to arbitrati n."

This Government is of opinion that from this it is abundantly clear that the Convention of London as well as the interpretation thereof, formed one of the subjects submitted to arbitration by the British Government.

Further reference to the award will show that the British Government relied entirely on its own interpretation of Article 14 of the Convention of London and that the arbitrator based his award expressly on that interpretation of the Convention.

But there is more: When Her Britannic Majesty's Government at the time proposed arbitration, and this Government consented thereto as being, according to their opinion, an exceedingly fair measure, there were certain details to be settled before the arbitration could be proceeded with.

One of these consisted in the writing of a letter by the two Governments to His Honour the State President, and the Chief Justice of the Orange Free State, a letter which His Excellency the High Commissioner proposed to be identical.

His Excellency sent a telegram on the 24th of March, 1894, to his Honour the State President of the South African Republic as follows :—

"I think, however, that some communication should be made to the State President "and Chief Justice of the Orange Free State. Would your Honour wish me to do so or "would you prefer that the request should come from both parties ; in case you prefer "the latter course, I suggest the following identical letter from your Honour and myself "to His Honour the State President of the Orange Free States :—

"'(Begins) Sir, I have the honour to acquaint your Honour that as a difference of "'opinion has arisen between Her Majesty's Government and the Government of the South "'African Republic as to the true interpretation of the treaty rights of British Asiatic "'subjects in the South African Republic, it has been proposed to refer the question to "'arbitration, subject to the approval of the Volksraad of the South African Republic, "'and both parties, having confidence in your Honour's Government and the High "'Court of the Orange Free State, have agreed to ask for the services of His Honour "'the Chief Justice as arbitrator.'"

The contents of this draft letter were not thought to be sufficiently comprehensive, and were therefore altered with the approval of His Excellency the High Commissioner. But, of course, this does not affect the views of Her Britannic Majesty's Government expressed at the time so clearly :—"that a difference of opinion had arisen as to the true interpretation of treaty rights" ; in other words, as to the interpretation of the conditions of the Convention of London.

In connection with this clear statement of His Excellency the High Commissioner that a difference of opinion had arisen as to the true interpretation of treaty rights, a difference which the Secretary of State himself, in his letter to His Excellency the High Commissioner, of September 4th, 1895, characterizes "as an international question in dispute between the two Governments," special attention is due to a letter of Her Britannic Majesty's Agent, dated the 19th of February, 1894, the last received about this matter by this Government from Her Britannic Majesty's Government before this arbitration took place.

In that letter he says, *inter alia*, that he was directed to inform this Government : "that the treaty rights of British Indian subjects rest on the London Convention of "1884, except in so far as Her Majesty's Government have, for sanitary reasons, "consented to a departure from the terms of that Convention."

And further :

"That as the treaty obligations of the Government of the South African Republic "must be construed by the Convention and the limited departure from the Convention "assented to by Her Majesty's Government, any departure in excess of the limit assented "to by Her Majesty's Government would be a breach of treaty obligations."

These words, written by direction of Her Britannic Majesty's Government, are clearly of great significance and incontestably show the difference of opinion held by Her Britannic Majesty's Government then and now.

In view of the foregoing, this Government is unable to arrive at any other conclusion than that these two precedents for arbitration under the Convention of London, on which this Government base their request to submit the questions at present in dispute to arbitration, are distinctly applicable.

But its request is not merely justified by these precedents; the South African Republic also wishes to appeal to the growing tendency among all States of European descent, viz., the tendency, especially in cases of the construction of a treaty, of following the peaceful course of arbitration, which would be highly appreciated by this Government.

After all that has been submitted, the right of the South African Republic—of a weak State as against a powerful one—to request an independent pronouncement on the extent of its rights and obligations as against the Government of Her Britannic Majesty, cannot be gainsaid under International Law, and this Government, whilst repeating the exposition of its motives, views, and arguments, fully set forth in its despatch of the 7th of May last, and having regard to what the Right Honourable the Secretary of State himself stated, viz.: "that in cases of that nature, arbitration was the best way among civilized nations," has again decided to courteously approach Her Britannic Majesty's Government with the request that the principle of arbitration may be acceded to.

I have, &c.,

DR. W. J. LEYDS,
Secretary of State.

His Excellency
The High Commissioner,
Cape Town.

Annexure A.

(Reprinted from C.—3947, p. 2.)

No. 5.

The TRANSVAAL DEPUTATION to the Rt. Hon. the EARL OF DERBY.

(Literal Translation.)

Albemarle Hotel, London,
November 14, 1883.

MY LORD,

1. At the personal interview with which the Deputation commissioned by the Government of the South African Republic to negociate with Her Majesty's Government concerning a revision of the Convention of 1881 was honoured by your Lordship on the 7th instant, your Lordship requested us to state at once the whole of our case, and to formulate in writing both our grievances and our proposals.

With the fullest confidence in the justice of our cause and the unbiassed judgment of Her Majesty's Government, we readily comply with your Lordship's desire, and we now have the honour to submit, for your special consideration, the following statement:—

2. We feel ourselves bound at the outset to state that our people and their representatives in the "Volksraad" object not only to certain stipulations of the Convention of 1881, but to the said Convention in its entirety, as being a document which neither in origin, nor in tendency, nor in practical working, meets the requirements of the country.

3. As the principal objections to the Convention as a whole we beg to submit—

a. That this Convention was not the result of free negociation between two parties, but a unilateral document framed by a Royal Commission, in which we, notwithstanding our urgent request,* were not represented.

The Commission granted us a hearing only, but we did not have the status of a contracting party. The above-mentioned Convention is, in fact, no Convention, but an arrangement imposed upon us against our will.

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* Blue Book, C.—3114, pp. 50, 52.

b. That our representatives, when they were heard before the Royal Commission, repeatedly urged serious objections against the chief principles embodied in the so-called Convention, and that they forewarned the Commissioners against the difficulties which they foresaw would result from the provisions of that Convention.*

These representations were not admitted by the Commissioners, but subsequent events have proved them to be quite correct.

c. That the said Convention in several important stipulations is a violation of the principles laid down in the preliminary treaty of peace signed by the two belligerent parties on the 21st March, 1881.

It was only in the firm conviction that there should be no deviation whatever from the conditions of that treaty, that our armed "burghers" dispersed. They had the right to expect the complete and faithful execution of the terms of the peace agreement from Her Majesty's Government, yet, notwithstanding this, a Convention was unilaterally framed which contains stipulations less favourable to our people than were justified by the peace agreement, not only with regard to the powers derived from suzerainty reserved to Her Majesty, but also with regard to interference in matters concerning the natives within our borders.†

In addition to this, it appears to us that several stipulations of the Convention exceed the limits prescribed in the instructions to the Royal Commission.

d. That the said Convention moreover bears the stamp of a temporary provision, invented for a period of transition from the condition brought about by the annexation and war to one of peace and independence, rather than of a permanent settlement of mutual relations.

This is evident, both from the large number of articles of a temporary nature contained in the Convention, and from the vague and indefinite terms in which the powers reserved to Her Majesty's Government by the Convention are indicated.

e. That the said Convention was only ratified by the "Volksraad" under compulsion to prevent further bloodshed, and not before a modification had been most earnestly but unsuccessfully urged.

At that time Her Majesty's Secretary of State for the Colonies declared that propositions for the amendment of the said Convention could only be considered after the same had been ratified and its practical working properly tested.

f. That the experience of more than two years has now proved that the grave objections which were at once raised by our delegates before the Royal Commission, and which were still more urgently pressed by the representatives of the people in the Volksraad were thoroughly well founded. These objections to the working of the Convention do not merely refer to minor points, but so closely concern the main principles themselves, that the Convention may justly be considered impracticable, as will appear from the particulars mentioned below.

4. The impracticability of the Convention has appeared chiefly in the following points :—

a. The western boundary as defined in Article 1.

b. The extent of the suzerain rights reserved to Her Majesty by Articles 2 and 18.

c. The obligation contained in Article 3 to previously submit for the approval of Her Majesty all new regulations concerning the interests of the natives within the Republic before they can come into force ; and

d. The financial settlement contained in Articles 10 and 11.

5. The following will serve as a condensed explanation of these points.

Ad. A. The impracticability of the new western boundary is shown by the following facts :—

1. The lawful territorial native chiefs have refused to accept this boundary ; have even formally and repeatedly protested against it, because they did not wish to be shut out from the protection afforded to them by the Republic.

2. This boundary has torn asunder the native tribes, so that of the same tribe one part was placed under the authority of the Transvaal Government, whilst another part, against its own wishes, was cut off from the Transvaal territory.

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* Blue Book, C.—3219, *passim*.

† Blue Book, C.—3114, pp. 48-56.

3. The complete marking off of this boundary has not been properly carried out, on account of the hostile attitude of the tribes who repudiated it.

4. A condition of anarchy, accompanied by robbery, murder, and countless disturbances, has at once resulted from this delimitation, and still continues to prevail.

AD. B. With reference to the rights of the suzerain we wish to point out more particularly :—

1st. The considerable inconvenience experienced by our country on account of the lengthy and complicated manner in which every communication with a foreign Power, however simple it may be, has to be carried on. For, according to the Convention, this has to be done through the medium of the British Resident, of the High Commissioner, and of Her Majesty's Government.

2nd. The stipulation of the Convention, according to which our Government is not qualified by its own authority and under its own responsibility to communicate with native chiefs outside the Republic, but has to employ for that purpose the British Resident. What is the result of this ? That while in former times cattle thefts on the borders occurred very seldom, now complaints of such thefts are continually coming in, inasmuch as the Kaffirs know that they have a great chance of stealing the cattle of the inhabitants on the borders of the Republic, and of carrying them off in security beyond the Transvaal with impunity. Owing to the want of immediate suppression, the crimes committed on the borders acquire a much more grave character, mostly to the detriment of the natives themselves. The native chiefs themselves are involved in serious difficulties through the rascalities of a few thieves, and the Government cannot timeously consult with the chiefs because its hands are bound. The continual intertribal quarrels of the natives outside the Transvaal are encouraged and furthered by this condition of affairs.

AD. C. The stipulation that all regulations concerning the interests of the natives within the Republic should be submitted for approval to Her Majesty's Government has been found to be very impracticable. In case of rebellion and sedition it is absolutely necessary to take immediate measures in cases which it is not possible to anticipate, without first being compelled to inquire from Her Majesty's Government. at a distance of so many thousands of miles, and in a manner so lengthy and circumlocutionary, whether such measures are satisfactory in all particulars. The consequence of this is that the interests of the natives suffer. For milder and at the same time more satisfactory measures could be taken if we were at liberty to at once make provision suitable to every emergency than if a previously sanctioned law has to provide generally for every possible occurrence.

AD. D. With regard to the monetary obligations which the Convention imposes upon our State, the Deputation venture to refer your Lordship to the very just observation expressed by the "Volksraad" at the ratification of the Convention (viz.), that this question cannot be put to a practical test. It can hardly be denied that the debt imposed upon it, with the interest thereon, is very detrimental to the growth of our Republic ; and the Deputation consider it their duty to urge your Lordship to agree to a more reasonable arrangement.

6. The Deputation venture to trust that after this summary statement, the impracticability of the existing Convention will be recognised by the impartial judgment of your Lordship. We take the liberty to add to this Memorandum an annexure in support of our statements concerning our historical right to the Sand River Convention. *To prevent unnecessary encumbrance the Deputation have restricted themselves to this annexure, but should your Lordship desire any further explanation on any other points, we are prepared to submit the fullest evidence to support our statements.*

7. Having thus explained our serious objections to the intolerable condition of affairs resulting from the Prætoria Convention, affecting our Government, our people, and the natives within our territory, as well as the tribes on our borders, and which condition threatens to create from year to year still more serious complications and an increasingly critical state of tension, should no satisfactory modification of existing relations be arrived at, the Deputation wish to comply with your Lordship's desire, and at once, in this Memorandum, beg to submit such proposals as we judge are required to bring about a condition of affairs which will offer a reasonable expectation that a definite removal of the difficulties which have hitherto arisen will result from it. Your Lordship will see from the above argumentation that, in the opinion of the Deputation, a satisfactory settlement of mutual relations will not result from the modification

of certain articles of the present Convention, but can only be expected from a new arrangement.

The Deputation consider it their duty to urge this with the more earnestness because Her Majesty's Government would entirely mistake the feelings of our people should they suppose that either the present or the coming generation can ever rest in satisfaction unless the Sand River Convention be again recognised as the historical basis of the new arrangement. The just conviction that this treaty still continues to have its binding force upon the British Government as well as upon our own can never be abandoned by our people, not only because the said treaty is the reward of incredible sacrifices, but also because our people would continue to feel themselves menaced by the proximity of Her Majesty's power in South Africa, as long as the opinion can take root that a treaty concluded in the most solemn manner and in due form can no longer be considered as the basis of unlimited reciprocal confidence.

It may be that the people of the South African Republic will even now thankfully accept from Her Majesty's Government some alleviation of the burden imposed upon them, but whatever concessions Her Majesty's Government may be prepared to make, the reciprocal confidence between the British and Dutch colonists will then only revive, when Her Majesty's Government also will accept the Sand River Convention as the historical basis of all further arrangements. Any settlement not founded upon this basis cannot but be of a merely temporary character—only upon this basis can a permanent settlement be secured.

In support of this view the Deputation wish to draw your Lordship's attention to another consideration. The Convention of Sand River is on a parallel with the Treaty of Bloemfontein, and amongst Colonists in South Africa the conviction prevails that an arrangement as that under which the Orange Free State attained a state of independence and gradual development is to be considered as a model, approved by 30 years' experience of the manner in which the relations between Her Majesty's Government and the emigrant farmers should be regulated. The burghers of the Transvaal Republic live in the conviction that they will share in the prosperous condition of the Orange Free State as soon as the historical right called into existence by the Sand River Convention is reverted to.

The Deputation, on their side, will not be able to do their duty, nor may they take upon themselves the responsibility of the further course of events, unless they plainly and clearly place before your Lordship this state of matters and unless they impress their firm conviction that the noble object which your Lordship has in view—to establish a permanent settlement of the relations between Her Majesty's Government and our people—demands that basis as the starting point for all further negotiations.

Should Her Majesty's Government, as we sincerely trust, be able to accept this, all feeling of being unjustly treated will disappear from our burghers: confidence in international treaties will revive; the present tension will cease; and the only course which in South Africa can lead to the object desired by both parties will be entered upon.

We, therefore, have the honour, for the above-mentioned reasons, to submit to your Lordship the wish that we may now obtain that which was refused us in 1881, viz., that the Sand River Convention, which has never been officially recalled, and is therefore still binding, may be taken as the basis of further arrangements, of course with all such modifications as may be indicated by the change of circumstances. Against this it may be advanced that by the Convention of Pretoria the action of the Sand River Treaty was, according to the Law of Nations, annihilated, but it cannot have escaped your Lordship's notice that in the negotiations of 1881 the right of co-operating as a contracting party was denied to our representatives, and that with consent of Her Majesty's Government the Convention concluded at that time acquired a temporary character, in that the signing and ratification of the same have been demanded and conceded as the starting point for a further and better regulation. Though we, therefore, admit that the action of the Sand River Treaty has been for some time suspended, it has not been annihilated.

8. Starting from this historical basis, the Deputation venture to lay before your Lordship, candidly and without any circumlocution, the following proposals:—

1. That the Pretoria Convention may not be altered in some of its articles, but be replaced by a new Agreement founded on the principles of International Law and in genetical connexion with the Sand River Treaty.
2. That in this new Agreement every connexion by which we are now bound to England should not be broken, but that the relation of a dependency, *publice juris*, in which our country now stands to the British Crown, may be replaced by that of two contracting Powers.

3. That we do not desire such an extension of territory as would come in conflict either with the legal claims of the surrounding Native tribes, or with the commercial interests of the neighbouring Colonies and States, but that we are exclusively aiming at such a settlement of the relations as may prove effectual to secure a situation of permanent peace and liberty.
4. That all restrictions by which the South African Republic is prevented from taking action on behalf of humanity and peace, according to the demands of the moment, in its intercourse with the Native tribes on its borders may be removed.
5. And that the Government of our country is heartily willing to acknowledge and to pay in due time every just debt, and proposes that your Lordship should either charge the Republic with the debts incurred before the annexation only, or to investigate with the Deputation concerning the amount of debt which may be legally charged against the Republic.

Proposals to which we scarcely need to add :

1stly.—That the Government of Pretoria has no other intention than that all rights of extraneous parties stipulated as transitory provisions in the Pretoria Convention, and which hitherto could not yet, or not yet fully, be carried out, should be embodied in the new Settlement.

2ndly.—That the Government of Pretoria shall be found willing at all times to offer for the rights and interests of the natives all such guarantees as are prescribed by Divine law and human feeling.

And finally, that there is no objection to any later arrangements with Her Majesty's Government of commercial and other interests, either in the Convention which may be arrived at now or by a separate treaty.

We are, &c.,

(Signed) EWALD ESSELEN,
Secretary.

(Signed) S. J. P. KRUGER,
S. J. DU TOIT,
N. J. SMIT.

To the Right Hon. the Earl of Derby,
H. M. Secretary of State for the Colonies,
Downing Street.

Annexure B.

EXTRACT UIT HET RAPPORT VAN DE DEPUTATIE DER ZUID-AFRIKAANSCHE REPUBLICK AAN DEN ED. ACHTBAREN VOLKSRAAD, 28 JULI 1884.

6. Nadat nu deze moeilijke kwestie opgelost was, kon eerst de nadere herziening der conventie voortgang hebben. Reeds van den beginne stelde Uwe deputatie voorop, dat zij niet slechts tegen enkele artikelen der conventie bezwaar had, maar veeleer tegen het gansche document als zoodanig en dat zij begeerde tot grondslag der nieuwe regeling te behouden de conventie van Zandrivier, als het heilig recht der Republiek, waarvan onzerzijds nooit is afgeweken. (Zie Groenboek, blz. 12—16.) Lord Derby vond het echter "onmogelijk vol te houden, dat het traktaat van Zandrivier nog levensvatbaarheid heeft of aan de tegenwoordige eischen zou kunnen beantwoorden" (idem bladz. 171), maar verwerpt toch niet het voorstel "dat eene nieuwe Conventie gemaakt worde, als de voorkeur verdienende boven eene wijziging van de bestaande Transvaal-Conventie" (idem bladz. 18). Op Zijn Lordschap's verzoek legde nu Uwe deputatie een Ontwerp Traktaat voor (bladz. 22, idem), hetwelk echter door Zijn Lordschap "noch wat vorm, noch wat inhoud betreft, van dien aard" werd geacht "dat Harer Majesteits Regeering het zou kunnen aanvaarden (idem bladz. 31). Zijn Lordschap stelde in de plaats hiervan later zelf een Concept voor (bladz. 76 idem), dat de grondslag werd van mondelinge besprekingen, zoowel als van schriftelijke onderhandelingen en dat, met aanmerkelijke wijzigingen, eindelijk door Uwe deputatie werd aangenomen, behoudens goedkeuring en bekrachtiging van den Edel Achtbaren Volksraad, en dat wij de eer hebben Uwe Edel Achtbare Vergadering voor te leggen, enz.

* * * * *

7. De beoordeeling van gemelde conventie geheel aan Uwe wijsheid overlatende en tot het geven van alle gewenschte inlichtingen bij de behandeling zich bereid verklarende,

wenscht Uwe deputatie toch met alle bescheidenheid te wijzen op eenige hoofdpunten, waardoor deze Londensche conventie zich onderscheidt van de conventie van Pretoria:

a. Zij is opgetrokken in beide talen, Hollandsch en Engelsch, met gelijke rechtsgeldigheid. Hierbij wenscht Uwe deputatie aan te merken, dat zij in al de onderhandelingen zich van de Nederlandsche taal heeft bediend, slechts aan hare stukken toevoegende eene woordelijke vertaling in het Engelsch.

b. Zij is geheel bilateraal (tweezijdig) waardoor Uwe vertegenwoordiging niet in de vernederende positie werd geplaatst van slechts een eenzijdig document als regel en voorschrift te moeten ontvangen van eene Suzereine Regeering, maar waarbij zij als vrij contracteerende partij werd erkend.

c. Zij maakt dan ook een einde aan de Britsche Suzereiniteit en hergeeft, met de officieele erkenning van haren naam, ook haar volkomen zelfbestuur aan de Zuid-Afrikaansche Republiek, behoudens eene enkele beperking, betreffende het sluiten van traktaten met vreemde mogendheden (art. 4). Met de suzereiniteit zijn natuurlijk ook de verschillende bepalingen en beperkingen der Pretoria-conventie, welke Harer Majesteits Regeering als suzereine zich had voorbehouden, vervallen.

d. Ook, enz. * * *

B.

(*Translation made in Colonial Office.*)

Extract from the Report of the Deputation of the South African Republic to the Honourable Volksraad, 28th July, 1884.

6. After this difficult question was solved, the further revision of the Convention could then proceed. From the outset your Deputation put forward that they did not merely object to particular articles of the Convention, but rather to the whole document as such, and that they desired to keep the Sand River Convention as the basis of the new arrangement, as the sacred right of the Republic from which on our side no departure has ever been made (*see* Green Book, pp. 12–16). Lord Derby, however, found it "not possible to entertain the suggestion that the Sand River Convention has now any vitality or that it would meet the requirements of the present case" (idem, p. 17), but he did not reject the proposal "that there should be a new Convention as preferable to a modification of the existing Transvaal Convention" (idem, p. 18). At his Lordship's request your Deputation then submitted a draft treaty (idem, p. 22), which however, was considered by his Lordship "neither in form nor in substance such as Her Majesty's Government could adopt" (idem, p. 31). His Lordship, later, himself proposed a draft instead (idem, p. 76) that became the basis of oral discussions and of written negociations, and which was finally accepted with considerable amendments by your Deputation, subject to the approval and ratification of the Honourable Volksraad, and which we have the honour to lay before your Honourable Assembly, &c.

* * * * * * *

7. Your Deputation, leaving the judgment of the said Convention entirely to your wisdom and delaring itself ready to give all explanations desired in dealing with it, wishes, with all discretion, to refer to some principal points in which this London Convention is distinguished from the Convention of Pretoria.

a. It is drawn up in both tongues, Dutch and English, with equal validity. Your Deputation wishes to observe here that they used the Dutch tongue in all the negociations, merely adding to their documents a literal translation in English.

b. It is entirely bilateral, whereby your representatives were not placed in the humiliating position of merely having to accept from a Suzerain Government a one-sided document as rule and regulation, but whereby they were recognized as a free contracting party.

c. It makes, then, also an end of the British suzerainty, and, with the official recognition of her name, also restores her full self-government to the South African Republic, excepting one single limitation regarding the conclusion of treaties with foreign powers (Article 4). With the suzerainty the various provisions and limitations of the Pretoria Convention which Her Majesty's Government as suzerain had retained have also, of course, lapsed.

d. Also, &c.

Annexure C.

VOLKSRAAD RESOLUTION, 8TH AUGUST, 1884.

(*Translation reprinted from C.* 4213, *p.* 45.)

Begins: The Volksraad having considered the new Convention concluded between its Deputation and the British Government at London, on 27th February, 1884, as likewise the negociations between the contracting parties, which resulted in the said Convention, approves of the standpoint taken by its Deputation that a settlement based upon the principle of the Sand River Convention can alone fully satisfy the burghers of the Republic. It also shares the objections set forth by the Deputation against the Convention of Pretoria, as likewise their objections against the convention of London on the following points:—

1st. The settlement of the boundary, especially on the Western border of the Republic, in which the Deputation eventually acquiesced only under the express conditions with which the Raad agreed.

2nd. The right of veto reserved to the British Crown upon treaties to be concluded by the Republic with foreign powers; and

3rd. The settlement of the debt.

Seeing, however, that in the said Convention of London considerable advantages are secured to the Republic, especially in the restoration of the country's independence,

Resolves, with acknowledgment of the generosity of Her Britannic Majesty, to ratify, as it hereby does, the said Convention of London.

GETROUWE AFDRUK

van bladz. 1, en van bladz. 39, van zekere Concept-Conventie, gevoegd bij een schrijven van den HoogEdelGestrengen Heer Earl Derby, van den 15den Februari, 1884, aan de heeren Kruger, du Toit en Smit, vormende de deputatie der Zuid-Afrikaansche Republiek, en welk schrijven voorkomt in het Groenboek der officieele bescheiden gewisseld met de Engelsche Regeering in zake de Conventie van Londen, gesloten den 27sten Februari, 1884, onder No. 29 op bladzijden 76, 77 en 78, en in het Blauwboek, bevattende "correspondence respecting the Convention concluded with the South African Republic on the 27th February, 1884 (presented to both Houses of Parliament by command of Her Majesty, March, 1884)" C. 3947, bladzijde 43 en 44, onder No. 26.

[*Translation made in Colonial Office.*]

True copy of p. 1 and of p. 39 of a draft Convention, enclosed in a letter of the Right Hon. the Earl of Derby, on the 15th of February 1884, to Messrs. Kruger, Dutoit and Smit, forming the Deputation of the South African Republic, which letter appears in the Green Book of official correspondence with the English Government regarding the Convention of London, concluded on the 27th of February, 1884, under No. 29 on pp. 76, 77 and 78, and in the Blue Book containing "Correspondence respecting the Convention concluded with the South African Republic on the 27th February, 1884 (presented o both houses of Parliament by command of Her Majesty, March, 1884)" C. 3947, pp. 43 and 44 under No. 26.

A Convention concluded between Her Majesty the Queen, &c., &c., and the South African Republic.

Note.—*The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*

Her Majesty's Commissioners for the settlement of the Transvaal Territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April 1881, do hereby undertake and guarantee, on behalf of Her Majesty, that from and after the 8th day of August 1881, complete self-government, subject to the suzerainty of Her Majesty, Her Heir and Successors, will be accorded to the inhabitants of the Transvaal Territory, upon the following terms and conditions, and subject to the following reservations and limitations :—

Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State; Stephanus Johannes Du Toit, Superintendent of Education ; Nicholas Jacobus Smit, a member of the Volksraad, have represented to the Queen that the Convention signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved ; and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said state, and of the countries adjacent thereto; and whereas Her Majesty the Queen, &c., &c., has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared that the following articles of a new Convention signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the most Distinguished Order of Saint Michael and St. George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic, by the above-named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Johannes Du Toit, Nicholas Jacobus Smit, shall when ratified by the Volksraad of the South African Republic, be substituted for the Articles embodied in the Convention of 3rd August, 1881 ; which latter, pending such ratification, shall continue in full force and effect.

Signed at ~~Pretoria~~ *London* this ~~3rd day of August 1881.~~

~~HERCULES ROBINSON,~~
~~President and~~ High Commissioner.
~~EVELYN WOOD, Major General,~~
~~Officer Administering the Government.~~
~~J. H. de VILLIERS.~~

We, the undersigned, Stephanus Johannes Paulus Kruger, ~~Martinus Wessel Pretorius,~~ and ~~Petrus Jacobus Joubert,~~ as ~~representatives~~ *delegates* of the ~~Transvaal Burghers,~~ *South African Republic*, do hereby agree to all the above conditions, reservations, and limitations, ~~under which self-government has been restored to the inhabitants of the Transvaal Territory, subject to the suzerainty of Her Majesty, Her Heirs and Successors, and we agree to accept the Government of the said Territory, with all rights and obligations thereto appertaining, on the 8th day of August 1881,~~ and we ~~promise and~~ undertake that this Convention shall be ratified by a ~~newly elected~~ Volksraad of the ~~Transvaal State~~ *South African Republic* within ~~three~~ *six* months from this date.

Signed at ~~Pretoria,~~ *London*, this ~~3rd day of August 1881.~~

~~S. J. P. KRUGER.~~
~~M. W. PRETORIUS.~~
~~P. J. JOUBERT.~~

No. 5.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.
(Extract.)

Downing Street, August 26, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 23rd of March last,† enclosing a letter from the Rev. D. P. Faure on the subject of Her Majesty's Suzerainty over the South African Republic. I request that you will inform Mr. Faure that he is mistaken in supposing that Sir Robert Herbert is no longer alive. Mr. Faure's letter was transmitted to him for his observations, and I enclose a copy of his reply.‡

No. 6.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR W. F. BUTLER.

[*Answered by No.* 7.]

SIR, Downing Street, December 15, 1898.

I HAVE the honour to acknowledge the receipt of Sir Alfred Milner's despatch, of the 4th of May last,§ enclosing one from Her Majesty's Agent at Pretoria, forwarding a translation of a note addressed to Sir Alfred Milner on the 16th of April by the State Secretary of the South African Republic, in reply to my despatch of the 16th of October, 1897,¶ on the subject of certain questions at issue between Her Majesty's Government and the Government of the South African Republic.

2. In that note the State Secretary, on behalf of the Government of the South African Republic, denies the existence of any "suzerainty" on the part of Her Majesty over the South African Republic, and he asserts that the preamble of the Convention of 1881 was, in fact, repealed by the Convention of 1884. Her Majesty's Government are unable to admit either of these propositions.

3. The preamble of the Convention of 1881 laid down the basis of the future mutual relations of Her Majesty and the inhabitants of the South African Republic. To these inhabitants Her Majesty granted internal independence. To Herself She reserved the position of Suzerain. The Articles of the Convention of 1881 defined alike the general character of the internal independence and of the suzerainty.

4. The Articles of the Convention of 1884 substituted a fresh definition for the former one. The preamble of the Convention of 1881, the basis on which these definitions rested, remained unchanged. If that preamble had been repealed, not only would the reservation of suzerainty on the part of Her Majesty have been repealed, but also the grant of internal independence to the inhabitants of the South African Republic. Her Majesty's Government observe that Dr. Leyds asserts that that internal independence in no sense derived its real origin from the preamble of the Convention of 1881. In this, however, he is in error. The grant of internal independence and the reservation of suzerainty alike have their sole constitutional origin in that preamble.

5. In this connection and with reference to the conclusion of paragraph 13 of Dr. Leyds's note, I am constrained to point out that, in Lord Derby's draft, the whole of the Pretoria Convention was set forth, and that the words crossed out on the last page were "*under which self-government has been restored to the inhabitants of the Transvaal territory subject to the suzerainty, &c.*" If the omission of these words is alleged to involve the supercession of the suzerainty, it must also, by parity of reasoning, be assumed to have abolished at the same time the right of self-government conceded by Her Majesty to the South African Republic in the same sentence. If Dr. Leyds's argument is sound, the one consequence follows as inevitably as the other. Her Majesty's Government are equally unable to admit the validity of the argument or its consequences.

6. What the substance of suzerainty is was described by Lord Kimberley in his despatch of the 31st march, 1881,‖ as quoted by the State Secretary in paragraph 5 of his note, viz., "Superiority over a State possessiong independent rights of Government subject to reservations with reference to certain specified matters." These words appear to Her Majesty's Government accurately to describe the existing relations between Her Majesty and the South African Republic.

7. Her Majesty's Government have taken note of the assurance, once more repeated at the commencement of Dr. Leyds's note, that the Government of the South African Republic are prepared in every respect to abide by the stipulations of the Con-

† No. 1. ‡ No. 3. § No. 4. ¶ No. 7 in [C. 8721.] ‖ No. 1 in [C. 2892] April, 1881.

vention of 1884. These stipulations undoubtedly include "reservations with reference to certain specified matters." There is thus no controversy as to the essential point in the relations between the two Governments, which gives to Great Britain a position of superiority"; and, having regard to this position and to their determination not to permit the interference of any foreign Power between Great Britain and the South African Republic, Her Majesty's Government are unable to alter their decision not to submit to the arbitration of a foreign Power questions relating to the interpretation or infringement of the Conventions between them.

8. With reference to the conclusion of Treaties under Article IV. of the London Convention, which is treated in paragraph 19 of Dr. Leyds's note. the Government of the South African Republic do not make any attempt to answer the contention of Her Majesty's Government expressed in my despatch of the 16th of October.† The language of Article IV. of the Convention being, in the opinion of Her Majesty's Government, so plain, and the practical result, so far as the South African Republic is concerned, of adopting the view of Her Majesty's Government being the same as if the view of the Government of the South African Republic were adopted, Her Majesty's Government are unable to understand the unwillingness of the Government of the South African Republic to accept the proposal of Her Majesty's Government that a compromise should be effected by embodying the requirements of the Convention, which the Government of the South African Republic do not dispute, in their treaties with Foreign Powers. There seems to be no reason for not stating formally facts which are admitted on both sides.

9. Failing an agreement on this point, Her Majesty's Government will be compelled to regard the action of the South African Republic as in conflict with the interests of Great Britain, and to advise Her Majesty to exercise her right of refusing approval of any treaty or engagement not submitted to Her before its conclusion.

10. In connection with the matter of the submission of treaties, Dr. Leyds refers (in paragraphs 20 and 21) to the reciprocal duties of both parties to the Convention, and the obligations of Her Majesty's Government thereunder, and he again alludes to the Jameson raid as a breach of those obligations, while maintaining that the proceedings in Stellaland and Goosen were of a different character, on the ground that there existed a state of war between independent native chiefs, who called for volunteers to enter their service. He refers to President Kruger's despatch of the 17th of March, 1896 (page 21 of C. 8063), in which it is stated that, "Their actions," that is, the actions of the freebooters in Bechuanaland, "would under no circumstances be construed as a breach of the Convention as the actions of Dr. Jameson *cum suis* in every respect were."

11. Her Majesty's Government are unable to admit that as regards breaches of the Convention the proceedings of Dr. Jameson are in any way comparable to what they must consider the indisputable breaches of conventional obligations involved in the proceedings in Bechuanaland. It is indeed true that Dr. Jameson invaded the territory of the South African Republic, and that, on the other hand, the operations of the Bechuanaland freebooters who used the Transvaal as a base were in territory which was not at first British territory; but while Her Majesty's Government used every means available in the short time at their disposal to compel Dr. Jameson to desist from his illegal act, and took measures to render the repetition of such an act impossible, the Government of the Republic not only failed, throughout the period of years during which the freebooters' operations went on, to take effective steps against them, but endeavoured to profit by the evil doings of the freebooters by accepting the cession of territory overrun by them. By thus attempting to acquire the territories of Massouw and Mankaroane, the Government of the Republic, as the British Resident pointed out to them in a despatch of the 30th of November, 1882 (p. 35 of C. 3486) violated three distinct Articles of the Pretoria Convention, and the issue of President Kruger's Proclamation of the 16th of September, 1884, taking Montsioa under the protection of the South African Republic, subsequently to the signature of the London Convention and the extension of the British Protectorate, was, as the late Lord Rosmead, then Sir Hercules Robinson, observed, "simply the annexation by the Transvaal Republic of about one-half of the British Protectorate, and an open and defiant violation of the Convention" (C. 4213, pp. 84 and 105). I may add that his Lordship's opinion with regard to the moral responsibility of the Government of the Republic for the scenes of lawlessness and bloodshed which prevailed on their western border was equally clearly stated. In his despatch of the 22nd of Jaunary, 1883 (C. 3486, p. 50) he said, "After carefully perusing

† No. 7 in [C. 8721.]

these papers, it appears to me difficult to resist the conclusion that the Transvaal Government are morally responsible for these proceedings. It is stated in them that Montsioa and Mankoroane have always scrupulously respected the Convention boundary, which the latter described as the 'Queen's line,' whilst the commandoes that attack these chiefs have been systematically armed and organized in the Transvaal, and have retreated into that State when defeated, taking with them the captured cattle, thus avoiding pursuit and securing protection for their booty.

"This state of affairs, which has now been going on since September, 1881, cannot have been unknown to the Transvaal Government. No secret has been made of the names of the leaders at each laager, who were well-known burghers, and the great majority of the freebooters amongst both Moshette's and Massouw's volunteers were Transvaal subjects. Nevertheless the Transvaal Government when invited by me to join the Imperial and Colonial Governments in combined action against the marauders by sending a small force to arrest their own subjects, who were violating the Neutrality Proclamation of their State, declined to take such a step, which was well within their means and ability. It appears to me, therefore, that the Transvaal Government are fairly open to the imputation of having connived at those discreditable proceedings."

12. I regret that by his further reference to this matter Dr. Leyds should compel me again to revert to proceedings which, in furtherance of the good feeling it is the desire of Her Majesty's Government to promote, I should otherwise have been content to leave unnoticed.

13. I request that you will instruct Her Majesty's Agent at Pretoria to communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,
J. CHAMBERLAIN.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 2, 1899.)

[*Answered by No.* 8.]

(Extract.)

Government House, Cape Town, May 17, 1899.

I HAVE the honour to enclose a copy of a despatch from the British Agent covering the reply of the Government of the South African Republic to your despatch of December 15th,* on the subject of the relations existing between Her Majesty's Government and the Government of the South African Republic under the Convention.

This reply appears to me to go further than any of the previous statements of the point of view of the Government of the South African Republic. There is evidently a complete conflict between the conception of the position of the South African Republic expressed in paragraph 4 of your despatch of December 15th,* and that expressed in paragraphs 3 and 4 of the State Secretary's reply to it. The State Secretary not only says that "no suzerainty exists"—the question whether the present position of Her Majesty's Government towards the South African Republic is properly described as "suzerainty" is to my mind a question of the interpretation of a vague word—but he goes on to say that "the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of the Republic as a sovereign international State." This proposition appears to me more important than the denial of the correctness of the term "suzerainty." But it is a proposition which, in my opinion, is historically and logically quite untenable. At the time of the Convention of 1881, the Transvaal was undoubtedly part of Her Majesty's dominions and both the representatives who signed and the Volksraad which ratified this Convention recognised that position when they accepted self-government subject to certain conditions from Commissioners appointed by Her Majesty "for the settlement of the Transvaal territory."

Neither at the time of the Convention of 1881 nor during the existence of that Convention could it by any possibility be contended that the Transvaal had an "absolute right of self-government." How then has it attained that right? According to Mr. Reitz it is by the complete abrogation of the Convention of 1881. But how was

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* No. 6.

that Convention completely abrogated? It was completely abrogated, again according to Mr. Reitz, by the Convention of 1884. Surely then it is evident, according to Mr. Reitz's own showing that it is to the Convention of 1884, and not to any "*inherent right* as a sovereign international State," that the South African Republic owes the degree of self-government, be it absolute or otherwise, which it possesses. The contention of Her Majesty's Government, as I understand it, is that that right of self-government is derived from the Conventions of 1881 and 1884 taken together, the terms of the latter document now governing the position, although they are not intelligible without a reference to the former. Mr. Reitz's contention is that the Convention of 1881 is completely gone, and that on its disappearance the Transvaal emerged as a sovereign international State, not, however, by virtue of the new Convention, which, according to him, absolutely abrogated that of 1881, but by its inherent right to be something which as a matter-of-fact it had ceased to be seven years previously. The way in which the State Secretary juggles with the Convention of 1884 is rather irritating to a plain man. But the importance of the matter does not consist in his arguments. It consists in the assertion that the South African Republic is a "sovereign international State." This appears to me to be contradictory of the position consistently maintained by us, and in fact in the nature of a defiance of Her Majesty's Government.

Enclosure 1 in No. 7.

From HER MAJESTY'S AGENT, Pretoria, to The HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, May 9, 1899.

I HAVE the honour to transmit to Your Excellency herewith translation of a note which I have received from the Government of the South African Republic, dated to-day, enclosing a letter addressed to Your Excellency by the State Secretary of the same date, conveying the reply of the Government of the Republic to the despatch of the Secretary of State to Your Excellency of the 15th of December, 1898, respecting the suzerainty question.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

Ministry for Foreign Affairs, Pretoria,

SIR, May 9, 1899.

WITH reference to the despatch from the Secretary of State for the Colonies to His Excellency the High Commissioner, a copy of which was enclosed in your Note to me of the 16th of January, I have the honour to transmit to you herewith the reply of this Government thereto with the request that you will forward it to His Excellency the High Commissioner.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.;
Her Majesty's Agent.

Enclosure 2 in No. 7.

From the STATE SECRETARY, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Translation.)

Department of Foreign Affairs,
Government Office, Pretoria,

YOUR EXCELLENCY, May 9, 1899.

I HAVE the honour to acknowledge the receipt of a copy of a despatch from the Right Honourable the Secretary of State for the Colonies to Your Excellency, dated 15th December, 1898.

2. This Government regrets to learn that the many arguments set forth by them in support of their contention that no suzerainty exists on the part of Her Majesty's Government over the South African Republic and that the preamble of the Convention of 1881 was superseded by that of 1884, has not convinced Her Majesty's Government of the justice of the view expressed by this Government. Nothing in the despatch of Mr. Chamberlain, now under reply, has shown this Government the incorrectness of their opinion, and they must consequently abide by the position taken up in the letter of my predecessor, Dr. Leyds, dated 16th April, 1898.

This Government does not desire to invite, or proceed with, a useless controversy on matters on which Her Britannic Majesty's Government, as well as this Government, have had opportunity of bringing forward their arguments; they consequently chiefly wish to confine themselves to stating the standpoint formerly taken up by them, which they hereby declare they maintain, namely, that no suzerainty exists. The statement put forward by this Government in Article 13 of their despatch dated 16th April, 1898, against the alleged existence of the suzerainty, and based on the fact that the preamble of the Convention of 1881 was regarded by Lord Derby himself as abolished, is left untouched in the despatch under acknowledgment, is not contradicted by Mr. Chamberlain, and this Government must therefore presume that Her Majesty's Government itself recognises that this statement is irrefutable.

3. If this Government rightly understands the reasoning followed in paragraph 5 of the despatch from Mr. Chamberlain, then they would be in a position to agree with it. By similar reasoning, says Mr. Chamberlain, it would have to be accepted that not only the suzerainty, but also the right of self-government was abolished. That is perfectly true in so far that the right of self-government was abolished, such as it was defined in 1881, but only in order to make way instantaneously for a much wider absolute right to self-government, in which there was no more mention of suzerainty.

Inasmuch as the Convention of 1881 was entirely abrogated and superseded by that of 1884, in which alone certain limited and specified rights were guaranteed to Great Britain without there being further mention of any self-government belonging to this Republic, it follows of itself that the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of this Republic as a sovereign international State.

4. With regard to point 7, re arbitration, this Government is of opinion that they have sufficiently clearly explained the matter in earlier despatches, and that they consequently abide by their former statement of opinion on this point.

5. This Government sincerely regrets that the engagement made by them in Article 19 of their despatch of 16th April, 1898, namely, "in concluding treaties subject to Article 4 of the Convention of London, to draw the attention of the other party to the contract to the stipulations contained in that Article" is not regarded as sufficient by Her Majesty's Government, since it was, and still is, the firm intention of this Government, in the conclusion of Treaties, to draw the attention of the other party, in writing, to the stipulations of Article 4 of the London Convention; whether this notification takes place by separate correspondence, or by an appendix to, or note on, the Treaty itself, seems to this Government of less importance, so long as care is taken that the spirit and the letter of Article 4 of the Convention of London are complied with, and therefore this Government has no objection to such an addition or note.

This Government has, however, noted with astonishment the position taken up by the Right Honourable the Secretary of State for the Colonies, namely, that failing an agreement on this point he considers he will be justified in advising the refusal of consent to all treaties, without putting forward reasonable grounds showing that such a treaty is in conflict with the interests of Great Britain, to which the Government of this Republic appears to be entitled.

6. It is with a feeling of aversion that this Government discusses anew the comparison made by Her Majesty's Government between the inroad of Dr. Jameson and the attitude of sundry white inhabitants from different parts of South Africa, and among others also from this Republic, in the question at that time raised with Montsioa, Massouw, and Mankoroane; they wish, however, to be allowed to point out that in their despatch of 16th April, 1898, they were speaking in their defence, and only replying to accusations which they felt they could not allow to rest upon them. It is not their fault that old grievances have been brought up again; they were content with the Convention of 1884, which put an end to the troubles of the natives on the Western

border, and whatever His Excellency Sir Hercules Robinson (late Lord Rosmead) may have written or thought about it has reference to matters which took place during the operation of the Convention of 1881, while the South African Republic—then the Transvaal State—stood under British suzerainty, and these troubles were precisely one of the reasons for which it was sought to alter the Convention (see, *inter alia*, Green Book, June, 1884, and more especially Nos. 5 and 8 of it, with the memorandum attached thereto). As regards the statement of Sir Hercules Robinson (late Lord Rosmead) that the Proclamation of His Honour the State President, dated 16th September, 1884, was "simply the annexation by the Transvaal Republic of about one-half of the British Protectorate, and an open and defiant breach of the Convention," it must not be lost sight of that the South African Republic was then no longer acting under the Convention of Pretoria of 1881, but under the London Convention of 1884, and this Government feels convinced that His Excellency would never have used these words if the Proclamation referred to had been read by him in its entirety. The Proclamation announced in the plainest manner "that the parties concerned had voluntarily placed themselves under the protection and administration of the South African Republic," and that this took place provisionally, and under the terms of Article 4 of the Convention of London." That Article gave the right to conclude treaties with any State or nation, or with any native race to the east or the west of the Republic, subject to the assent of Her Majesty the Queen, and when Her Majesty's Government raised objection to the approval of that agreement concluded with Montsioa, the Proclamation was withdrawn on the 13th October, 1884. As a matter of fact, the Proclamation had a wholesome effect, inasmuch as by it peace and order in those districts were brought about. I beg permission to enclose herewith a copy thereof.*

I have, &c.,
F. W. Reitz.

His Excellency
The High Commissioner,
Cape Town.

No. 8.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

Sir, Downing Street, July 13, 1899.

I have the honour to acknowledge the receipt of your despatch of the 17th of May last,† enclosing the reply of the Government of the South African Republic to my despatch of the 15th of December last,‡ on the subject of the political status of the South African Republic in relation to this country.

Her Majesty's Government concur generally in the views expressed in your despatch, and have no intention of continuing to discuss this question with the Government of the Republic, whose contention that the South African Republic is a sovereign international State is not, in their opinion, warranted either by law or history, and is wholly inadmissible. They therefore confine themselves to a very brief review of historical facts and of the opinions and intentions of their predecessors on whose advice Her Majesty was pleased to grant, first the Pretoria Convention, and later the London Convention, as shown in their official statements at the time.

The status of the emigrant farmers beyond the Vaal was governed from 1852 to 1877 by the Sand River Convention, prior to which they were British subjects. Lord Derby stated in his letter to the Transvaal Deputation of 20th November, 1883, that "that Convention, like the Convention of Pretoria, was not a treaty between two contracting Powers, but was a declaration, made by the Queen, and accepted by certain persons, at that time her subjects, of the conditions under which, and the extent to which, Her Majesty could permit them to manage their own affairs without interference. It did not create a South African Republic with a political organisation and defined boundaries." (C. 3947 p. 6.)

If therefore it could be held, as suggested by the Deputation in 1883, that the Sand River Convention still had binding force, it would not in any way help the argument of the Government of the South African Republic.

[* For translation of this, *see* C. 4213, p 136.]
† No. 7. ‡ No. 6.

But, as Lord Derby pointed out in the letter already quoted, it was "not possible to entertain the suggestion that that Convention has now any vitality," and the Transvaal Volksraad themselves, in confirming the Convention of Pretoria, had declared that the annexation in 1877 had brought the Sand River Convention to an end.

With regard to the Convention of 1881, Lord Kimberley, in giving instructions to Sir Hercules Robinson, with regard to the Royal Commission which was to consider and advise upon the final agreements for the settlement of the affairs of the Transvaal, stated that "entire freedom of action will be accorded to the Transvaal Government so far as is not inconsistent with the rights expressly reserved to the Suzerain Power. The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of government subject to reservations with reference to certain specified matters." (C. 3114 p. 7.)

When the Transvaal Deputation visited this country in 1883 they asked "that the relation of a dependency, *publici juris*, in which our country now stands to the British Crown, may be replaced by that of two contracting Powers," (C. 3947 p. 5), and they submitted a draft treaty to give effect to their views. This draft treaty Lord Derby entirely rejected, observing that it was "neither in form nor in substance such as Her Majesty's Government could adopt." (C. 3947 p. 18.)

Lastly, as the Government of the Republic appeal to Lord Derby's personal views, they may be referred to a statement made by him in the House of Lords on the 17th of March, 1884, that is, immediately after the conclusion of the London Convention, which is reported in Hansard as follows:—

"Then the noble Earl (Earl Cadogan) said that the object of the Convention had been to abolish the suzerainty of the British Crown. The word "suzerainty" is a very vague word, and I do not think it is capable of any precise legal definition. Whatever we may understand by it, I think it is not very easy to define. But I apprehend, whether you call it a protectorate, or a suzerainty, or the recognition of England as a paramount Power, the fact is that a certain controlling power is retained when the State which exercises this suzerainty has a right to veto any negotiations into which the dependent State may enter with foreign Powers. Whatever suzerainty meant in the Convention of Pretoria, the condition of things which it implied still remains; although the word is not actually employed, we have kept the substance. We have abstained from using the word because it was not capable of legal definition, and because it seemed to be a word which was likely to lead to misconception and misunderstanding."

The question of arbitration must be dealt with in connexion with the general questions now pending between the two Governments.

I request that you will instruct the British Agent at Pretoria to communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,

J. CHAMBERLAIN.

SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

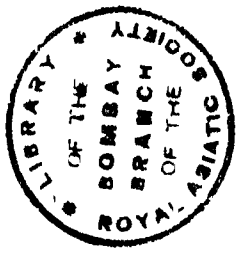
PROPOSED POLITICAL REFORMS

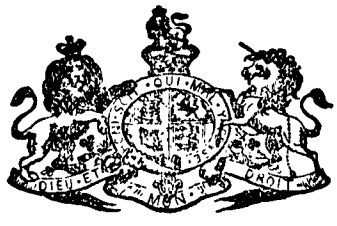
IN THE

SOUTH AFRICAN REPUBLIC.

(*In continuation of* [*C.* 9415], *July*, 1899.)

Presented to both Houses of Parliament by Command of Her Majesty.
August, 1899.





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1899.

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SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

PROPOSED POLITICAL REFORMS

IN THE

SOUTH AFRICAN REPUBLIC.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

[*Answered by Nos.* 9 *and* 14.]

(Extract.)

Government House, Cape Town, June 14, 1899.

I HAVE the honour to transmit a despatch from Her Majesty's Agent, enclosing a note from the State Secretary, in which he puts forward on behalf of the South African Republic a proposal "for arbitration on differences arising out of the varying interpretation, approved by the parties, of the terms of the London Convention."

In introducing this proposal the State Secretary remarks that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner was personally in favour of removing differences between this Government and Her Majesty's Government by arbitration."

This statement is far too absolute, though it is certainly less wholly incorrect than President Kruger's remark at the close of the Conference, that I "had acknowledged the President's request for arbitration by other than foreign Powers on all points of future difference under the Convention to be reasonable." As a matter-of-fact, when the President said this, he had made no request for "arbitration by other than foreign Powers." The principle of excluding foreign Powers was for the first time admitted by him in that remark. In the next place, in the very general observations which I had made about arbitration, I never spoke of "all differences under the Convention" or of the Convention at all.

As regards Mr. Reitz's present observation, I can only say that whatever personal opinion I may have expressed favourable to the principle of arbitration—and I adhere to all that I said—in no way constrains me to look with favour on the present proposal. On the contrary, if I were to advocate its acceptance now, I should be acting in a manner entirely inconsistent with the position which I took up at Bloemfontein. The whole point and gist of my contention there was that, if there were ever to be better relations, and an amicable settlement of present and future differences between Her Majesty's Government and the South African Republic, *redress of Uitlander grievances must come first*, that I could not consent to bargain for the adoption of an adequate enfranchisement by arbitration or any other concession that President Kruger wanted to get out of us. On the other hand I repeatedly expressed the belief that,

if the franchise question, involving as it did the gradual removal of Uitlander grievances, could be satisfactorily settled, I thought it would be much easier to arrive at an understanding on all other matters, that I was most anxious to have no more controversies, and that, personally, I was quite prepared to advocate the settlement of differences between the two Governments—or some of them—by an impartial tribunal, if such could be devised, involving *no foreign interference* whatever between Her Majesty's Government and the South African Republic.

My proposals for a settlement of Uitlander grievances on the basis of a moderate measure of enfranchisement having been rejected by the President, and a totally inadequate scheme put forward in their place, he now comes forward with an arbitration proposal. My contention is that the atmosphere in which that or any other concession to the Government of the South African Republic can be considered has yet to be created. Redress of the grievances of Her Majesty's subjects in the South African Republic stands at the head of the programme, and nothing else can be considered till that matter is out of the way.

Apart from that I consider the particular scheme an absolutely unacceptable one on its merits. It is a mere skeleton of a scheme, and leaves so much undefined, that I believe it would raise more questions than it solved. Thus it is provided that "no matters or differences of trifling importance shall be referred to arbitration." Who is to say what is trifling, and what is important? According to President Kruger, no doubt all our complaints are trifling—like "the little coolie matter," to which he referred at the Conference, meaning thereby the grievances of Her Majesty's Indian subjects, which has been a burning controversy for ten years. Again, section 3 provides that "each Government shall have the right to preserve and exclude points, which appear to it too important to be submitted to arbitration, provided that thereby the principle itself of arbitration be not frustrated." I find it difficult to attach a precise meaning to these words, but it is easy to see that they must be fruitful of endless disagreement.

I cannot see the smallest reason why Her Majesty's Government should not at once reject this particular proposal, and I advise that this course should be adopted. The scheme is, as I have shown, unworkable, but more than this, it does not exclude that "foreign interference between Her Majesty's Government and the South African Republic," which Her Majesty's Government have always declared, and which I repeatedly declared at Bloemfontein, that they would never admit.

By Clause 2, the two arbitrators, who are vaguely defined apparently to be South African judges, nominated by the two Governments respectively, "shall agree respecting a third person, who shall act as President of the arbitration tribunal," which is to decide in every case by a majority of votes.

It is evident that this third person will virtually decide everything, and it is provided that he shall "not be a subject of one of the arbitrating parties," *i.e.*, a foreigner.

On this ground alone I feel sure that Her Majesty's Government will not accept the proposal. For every reason I think it is desirable that it should promptly intimate its total inability to entertain it.

Enclosure in No. 1.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,

SIR, June 10, 1899.

WITH reference to my telegram, No. 122, of to-day, I have the honour to transmit to Your Excellency herewith a translation of a note, which I have received from the State Secretary, suggesting, on behalf of the Government of the South African Republic, that future differences of opinion respecting the interpretation of the terms of the London Convention between Her Majesty's Government and the Government of the Republic should be referred to an arbitration tribunal to be constituted by mutual arrangement between the two Governments.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

The STATE SECRETARY, South African Republic to HER MAJESTY'S AGENT, Pretoria.

(Translation.)

Ministry for Foreign Affairs, Pretoria,

SIR, June 9, 1899.

I HAVE the honour to inform you that this Government desires once more to approach Her Majesty's Government on the question already on several occasions suggested by it, of arbitration on differences arising out of the varying interpretations approved by the parties, of the terms of the London Convention.

This Government takes this course inasmuch as it is convinced that it is also the desire of Her Majesty's Government to advance the peaceful development of South Africa, and because it was apparent to it at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration.

It is for this reason that this Government once more approaches Her Majesty's Government hereby; and it is convinced that His Excellency the High Commissioner will be ready to submit this proposal to a favourable consideration of Her Majesty's Government.

This Government desires therefore to submit the following proposal to Her Majesty's Government:—

1. All future differences between the two Governments arising out of varying interpretation of the London Convention, shall, subject to what is set forth under paragraph 3, at the instance of this Government or of Her Majesty's Government, be referred to an arbitration-tribunal, on the understanding, however, that no matters or differences of trifling importance shall be submitted to arbitration.

2. The arbitration-tribunal shall consist of an arbitrator to be nominated by this Government, and an arbitrator to be nominated by Her Majesty's Government (as for example the Chief Justices respectively of the South African Republic and the Cape Colony or Natal). These two must agree respecting a third person, who shall act as President of the arbitration-tribunal, this person not to be a subject of one of the arbitrating parties; and failing agreement upon this point, the two Governments shall together name a president; the decision in every case to take place by a majority of votes.

3. The Act of submission shall in every case be drawn up jointly by the two Governments, so that each shall have the right to reserve and exclude points which appear to it to be too important to be submitted to arbitration, provided that thereby the principle itself of arbitration be not frustrated.

4. The arbitration-tribunal shall itself decide the place of its sittings, and shall deal as it thinks fit with the condemnation of parties in the costs, unless special arrangement has been made concerning these points in the Act of submission.

5. The regulations of procedure of this arbitration-tribunal can be similar to those agreed to by the Institute of International Law in the Hague in 1875, in so far as they do not conflict with the foregoing provisions, and in so far as they are not amended by both parties in the Act of submission.

6. In order to obtain a test of the suitability of such a tribunal, this Government has no objection to its being agreed that this reference of Conventional differences shall provisionally take place for a period of five years.

If Her Majesty's Government should agree in principle with this Government upon the above-mentioned scheme, it can (with such alterations in detail as may be agreed upon) be secured in a treaty, if necessary, for a fixed period.

In conclusion, this Government desires further to make the following clear. By the acceptance of a scheme of arbitration, more or less like that set forth above, would not only all Conventional disputes which present themselves be amicably solved, but the peaceful development of South Africa would also thereby be advanced in a surprising degree.

Owing to the pressure of races in South Africa which, as Her Majesty's Government is aware, is principally a legacy of the past, South Africa is to-day in this fatal position, that, as soon as a dispute arises between this Government and Her Majesty's Government, war is spoken of by the one party, and thereby again the slumbering suspicions of the other party are awakened. In this manner party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby. Having regard to this serious danger that is spreading a dark cloud over the otherwise fair future of South Africa, and in full confidence that Her Majesty's

Government will not refuse to work with it in order to reconcile races in South Africa, and to cause old feuds to give way to a new spirit of co-operation and progress, this Government once more makes this appeal for arbitration from its feeling, not alone of right and equity, but also of anxiety for the future of this our beloved portion of the world.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
Her Majesty's Agent,

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.40 p.m., July 1, 1899.)

TELEGRAM.

1st July. No. 4. I have informed Government of South African Republic that I have forwarded you their proposal respecting arbitration, but that I am unable to recommend its acceptance for reasons given of a similar kind to those contained in my despatch, 14th June,* though more shortly expressed.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 24, 1899.)

TELEGRAM.

23rd July. No. 3. Newspapers have published a report that Prime Minister of Cape Colony telegraphed to Transvaal Government on Wednesday last, advising them to make no further concessions. This Prime Minister has publicly denied; and he has shown me copy of confidential telegram, of which garbled version leaked out, and caused rumour in question. Its purport is quite different from what has been alleged. I promised him that I would let you know that I was satisfied rumour was a false one.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 24, 1899.)

[*Acknowledged by No.* 27.]

SIR, Government House, Cape Town, July 4, 1899.

I HAVE the honour to enclose for your information, with reference to my telegram of the 1st instant,† a copy of despatches to and from Her Majesty's Agent, Pretoria, on the subject of the arbitration proposals made by the Government of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

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* No. 1 in [C.—9404].

† No. 2.

Enclosure 1 in No. 4.

The HIGH COMMISSIONER, Cape Town to HER MAJESTY'S AGENT, Pretoria.

SIR, Government House, Cape Town, June 23, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 10th instant, forwarding a note from the Government of the South African Republic, in which they submit proposals to Her Majesty's Government for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention.

I request that you will return a reply to the Government of the Republic to the following effect:—

The State Secretary in his note alleges, as one reason for advancing these proposals, that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration"; and he states that his Government "is convinced His Excellency will be ready to submit his proposal to the favourable consideration of Her Majesty's Government."

I have submitted this proposal to Her Majesty's Government, but I am not able to recommend its acceptance. As I pointed out to the President at Bloemfontein, I consider that the question of finding a remedy for the grievances of the Uitlanders is the burning question of the moment, and this has to be disposed of before other matters can be profitably discussed. The adoption by the Government of the South African Republic of measures calculated to lead to an improvement in the position of the Uitlanders, would so improve the general situation, that outstanding differences between the two Governments could be considered in a calmer atmosphere, and would be more capable of adjustment. Under these circumstances it might be possible to devise a scheme for referring at least a certain number of differences to arbitration, but as the Government of the South African Republic has not seen its way to meet Her Majesty's Government on the question of primary importance, I can see no use in approaching the delicate and complicated subject of arbitration at the present time. Over and above this, I do not consider the scheme now proposed to be a practicable one. To make no mention of other objections, the constitution of the suggested Arbitration Court, which would leave every decision virtually in the hands of a President, who it is provided shall not be a subject of either of the arbitrating parties, does not conform to the fundamental principle which, as I more than once stated at Bloemfontein, Her Majesty's Government would regard as a *sine qua non* to the acceptance of any scheme of arbitration.

I have, &c.,
A. MILNER,
Governor and High Commissioner

His Honour
Her Majesty's Agent,
Pretoria.

Enclosure 2 in No. 4.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, June 27, 1899.

I HAVE the honour to transmit to Your Excellency herewith a copy of a note which, in obedience to the instructions contained in your despatch of the 23rd instant, I have addressed to the State Secretary, in regard to the proposals submitted by the Government of the South African Republic to Her Majesty's Government, for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner
Cape Town.

HER MAJESTY'S AGENT, Pretoria, to the STATE SECRETARY, South African Republic.

SIR, Her Majesty's Agency, Pretoria, June 26, 1899.

I LOST no time in forwarding to the High Commissioner a copy of your note of the 9th instant, in which you submitted on behalf of the Government of the South African Republic, proposals to Her Majesty's Government for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention.

With respect to the statement contained in the note above mentioned, in which you allege as one reason for advancing these proposals that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration"; and the statement that your Government "is convinced that His Excellency will be ready to submit his proposal to the favourable consideration of Her Majesty's Government," I have the honour to state to you that Sir Alfred Milner has submitted this proposal to Her Majesty's Government, but that he is not able to recommend its acceptance. His Excellency desires me to say that, as he pointed out to the President at Bloemfontein, he considers that the question of finding a remedy for the grievances of the Uitlanders is the burning question of the moment, and that this has to be disposed of before other matters can be properly discussed. The adoption by the Government of the South African Republic of measures calculated to lead to an improvement in the position of the Uitlanders would so improve the general situation that outstanding differences between the two Governments could be considered in a calmer atmosphere, and would be more capable of adjustment. Under these circumstances it might be possible to devise a scheme for referring at least a certain number of differences to arbitration. But as the Government of the South African Republic has not seen its way to meet Her Majesty's Government on the question of primary importance, the High Commissioner can see no use in approaching the delicate and complicated subject of arbitration at the present time. Over and above this, His Excellency does not consider the scheme now proposed to be a practicable one. To make no mention of other objections, the constitution of the suggested Arbitration Court, which would leave every decision virtually in the hands of a President, who, it is provided, shall not be a subject of either of the arbitrating parties, does not conform to the fundamental principle which, as Sir Alfred Milner more than once stated at Bloemfontein, Her Majesty's Government would regard as a *sine qua non* to the acceptance of any scheme of arbitration.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

No. 5.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 3.40 p.m., July 25, 1899.)

TELEGRAM.

[*Answered by No.* 13.]

25th July. In Legislative Council to-day Mr. G. M. Sutton moved resolution identical with that reported in my telegram of 19th instant,* Mr. Uys seconded, and Mr. Arbuckle gave the resolution his hearty support on behalf of Government. Resolution carried unanimously; only one member absent.

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* No. 53 in [C.—9415].

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.45 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 1. Following telegram received from British Agent:—

Begins: It is announced that Executive Council yesterday decided to give three new Members in each Volksraad for the Witwatersrand goldfields. That is to say with the existing Members four in each Raad. With the Barberton representatives there will now be five Members to represent mining industry in a proposed enlarged House of 31 Members. A Commission will be appointed to divide district between Krugersdorp and Boksburg into four electoral constituencies. Proposal for a general redistribution scheme for the whole Republic has been shelved *sine die*. *Ends.*

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.45 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 2. Following telegram received from British Agent in South African Republic:—

Begins: Yesterday "Staats Courant" published new Franchise Law with a long explanatory memorandum of instructions to the officials concerned in its execution. *Ends.*

No. 8.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.20 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 2. British Agent in South African Republic should, in answer to their telegram of 20th July* to me, communicate to Uitlander Council my statement in House of Commons; see my telegram of 20th July.†

No. 9.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, July 27, 1899.

THE successive modifications which have been made by the Government of the South African Republic since the Conference of Bloemfontein in the proposals for admitting the Uitlanders to some share of representation in the government of the country have followed each other with so much rapidity, and have been so difficult to understand as reported by telegraph, that Her Majesty's Government have been unable to communicate with you fully on the different phases of this question as they have been in turn presented. Happily, each new scheme seems to have been an advance and improvement upon that which preceded it, and Her Majesty's Government hope that the latest proposals passed by the Volksraad may prove to be a basis for a settlement on the lines which you laid down at the Conference, and which Her Majesty's Government have approved.

Before examining these proposals it will be convenient to state the objects which Her Majesty's Government have desired to secure, and the reasons which have led them to press their views on the Government of the South African Republic.

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* No. 59 in [C.—9415]. † No. 60 in [C.—9415].

Her Majesty's Government authorized you to meet President Kruger in Conference in the hope that you might, in concert with him, arrive at an arrangement which they could accept as a reasonable concession to the just demands of the Uitlander population of the South African Republic. They trusted that, following upon such an amicable settlement, a further arrangement might be come to whereby the many other differences between them and the Government of the South African Republic might be adjusted, and the relations between the two Governments placed upon a perfectly harmonious footing. These hopes were for the time disappointed. The Conference met and separated without any agreement as to the means to be adopted for the removal of that discontent of the majority of the inhabitants of the Transvaal, which has been for so many years a menace to the peace and a hindrance to the prosperity of the whole of South Africa.

The Government of the South African Republic, in the despatch of the 9th of June,* in which they submit proposals for arbitration to which I will presently refer, deplore the fact that, as a result of the disputes which arise between themselves and the Government of Her Majesty, "party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby." Her Majesty's Government agree that these indirect consequences of the constantly strained relations between the two countries are even more serious than the results of the particular acts of legislation or administration of which they have had to complain, but they must point out that this deplorable irritation between kindred people, whose common interests and neighbourhood would naturally make them friends, is due primarily to the fact that in the South African Republic alone of all the States of South Africa the Government has deliberately placed one of the two white races in a position of political inferiority to the other, and has adopted a policy of isolation in its internal concerns which has been admitted by the present Prime Minister of the Cape Colony to be a source of danger to South Africa at large. It is this policy, enforced and continually extended since the Convention of 1884, which constitutes the most serious factor of the present situation.

Besides the ordinary obligations of a civilized Power to protect its subjects in a foreign country against injustice, and the special duty arising in this case from the position of Her Majesty as the Paramount Power in South Africa, there falls also on Her Majesty's Government the exceptional responsibility arising out of the Conventions which regulate the relations between the Government of the South African Republic and that of Her Majesty. These Conventions were granted by Her Majesty of her own grace, and they were granted in the full expectation that, according to the categorical assurances conveyed by the Boer leaders to the Royal Commissioners in the negotiations preliminary to the Convention of 1881, equality of treatment would be strictly maintained among the white inhabitants of the Transvaal.

It may be well to remind you what those assurances were, as detailed in the Blue Book of May 1882. At the Conference of the 10th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir Evelyn Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. Kruger, Mr. P. J. Joubert, Dr. Jorissen, Mr. J. S. Joubert, Mr. De Villiers, and Mr. Buskes.

The following report of what took place shows the nature of the assurances given on this occasion:—

"239. (*President*).—Before annexation, had British subjects complete freedom of trade throughout the Transvaal; were they on the same footing as citizens of the Transvaal?

"240. (*Mr. Kruger*).—They were on the same footing as the burghers; there was not the slightest difference in accordance with the Sand River Convention.

"241. (*President*).—I presume you will not object to that continuing?

"242. (*Mr. Kruger*).—No; there will be equal protection for everybody.

"243. (*Sir E. Wood*).—And equal privileges?

"244. (*Mr. Kruger*).—We make no difference so far as burgher rights are concerned. There may perhaps be some slight difference in the case of a young person who has just come into the country."

At the Conference of the 26th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir E. Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. Kruger, Mr. J. S. Joubert, Dr. Jorissen, Mr. Pretorius, Mr. Buskes, and Mr. De Villiers.

At this meeting the subject of the assurances was again alluded to as thus reported:—

* Enclosure in No. 1.

"1037. (*Dr. Jorissen*).—At No. 244 the question was, 'Is there any distinction in regard to the privileges or rights of Englishmen in the Transvaal?' and Mr. Kruger answered, 'No, there is no difference;' and then he added 'there may be some slight difference in the case of a young person just coming into the country.' I wish to say that that might give rise to a wrong impression. What Mr. Kruger intended to convey was this: according to our law a new comer has not his burgher rights immediately. The words 'young person' do not refer to age, but to the time of residence in the Republic. According to our old 'Grondwet' (Constitution) you had to reside a year in the country."

In spite of these positive assurances, all the laws which have caused the grievances under which the Uitlanders labour, and all the restrictions as to franchise and individual liberty under which they suffer, have been brought into existence subsequently to the Conventions of Pretoria or London. Not only has the letter of the Convention of 1884 been repeatedly broken, but the whole spirit of that Convention has been disregarded by this complete reversal of the conditions of equality between the white inhabitants of the Transvaal which subsisted, and which, relying on the assurances of the Boer leaders, Her Majesty believed would continue to subsist, when she granted to it internal independence in the preamble of the Convention of 1881, and when she consented to substitute the Articles of the Convention of 1884 for those of the previous Convention.

The responsibility of Her Majesty's Government for the treatment of the alien inhabitants of the Transvaal is further increased by the fact that it was at the request of Her Majesty's High Commissioner that the people of Johannesburg, who in December 1895 had taken up arms against the Government of the South African Republic to recover those equal rights and privileges of which they had been unwarrantably deprived, permitted themselves to be disarmed in January 1896. The High Commissioner's request was made after the issue by President Kruger of a Proclamation in which he stated: "And I further make known that the Government is still always ready to consider properly all grievances which are laid before it in a proper manner, and to lay them before the Legislature of the country without delay to be dealt with." Unfortunately, the assurances conveyed in this Proclamation have been no better observed than the assurances of 1881. Not only have no adequate or genuine reforms been introduced up to the present time, but the conditions and the general atmosphere in which the Uitlanders have to live have become more difficult and irksome to free and civilized men. Fresh legislation has been passed in a repressive and reactionary direction, and the administration of justice itself has been made subservient to the control of the Executive Government.

Her Majesty's Government believed that the acceptance of the invitation to the Bloemfontein Conference by President Kruger was an indication that the Government of the South African Republic were prepared to make adequate proposals for the remedy of the just complaints of the Uitlander population resident in the Transvaal. But the proposals actually made by him during the course of the proceedings were not such as could in any way be accepted as meeting the case.

Her Majesty's Government have approved of your having put in the foreground the grant of such a measure of reform as would give the Uitlanders at once a reasonable share of political power, for although even if such privileges were fairly and fully conceded, there would remain many causes of difference between Her Majesty's Government and the Government of the South African Republic, still such a concession would afford the Uitlanders an opportunity of formulating their grievances and influencing the legislators and the Government of the country in which they live, and eventually it would doubtless secure the gradual redress of those grievances without the necessity of appealing to any external power. It would thus go a long way to remove the tension and discontent which endanger the tranquillity of the Republic and the peace of South Africa.

Her Majesty's Government have also observed with approval that, in view of the refusal of the President to grant any effective share in the government of the country to the Uitlanders, you pressed upon him, as a proposal not open to any of the objections urged by him to the grant of a liberal franchise, the possibility of providing an alleviation for the grievances of the Uitlanders by granting to them such a municipal Government for Johannesburg and the goldfields as would be for them a municipal government in reality as well as in name. At present all matters of municipal concern, which affect so closely the comfort and health and contentment of a European population, are regulated by officials who do not understand European requirements, who have no sympathy with municipal life as understood in Europe or in the United States, and who, as a matter

of fact, conduct the municipal government of Johannesburg with conspicuous inefficiency. Her Majesty's Government noted with regret that in this matter also President Kruger declined to entertain your suggestions. They have never been able to comprehend the reasons which make President Kruger apparently more hostile to the proposal for a grant of a municipality to Johannesburg and the goldfields than to that for an extension of the franchise to the Uitlanders. The only argument which he has used to their knowledge is a refusal to create what he calls an *imperium in imperio*. But this objection will not bear examination. The universal experience of English speaking communities shows that the grant of municipal privileges to the inhabitants of great centres of population has no tendency to create a rival Power to the central authority of the State.

It is needless now to discuss in detail the proposals made by the President at the Conference. They are fully set forth and their defects are demonstrated in your despatch of the 14th of June and its inclosures.

Since the termination of the Conference new proposals were laid before the Volksraad in a draft Law which was officially communicated to the British Agent on the 12th of July. In two important respects this draft was an advance on the President's earlier proposals, but after the most careful examination of its very complicated provisions, Her Majesty's Government reluctantly came to the conclusion that they could not regard the new scheme as affording any basis for a settlement of the question, or as one that would give to the Uitlanders an immediate and reasonable share of political representation.

It is, however, a matter of satisfaction to Her Majesty's Government to learn, from your telegram of the 19th of July,* that the Government of the South African Republic have still further amended their proposals, and that the Volksraad has now agreed to a measure intended to give the franchise immediately to those who have been resident in the country for seven years, as well as to those who may in future complete this period of residence. This proposal is an advance on previous concessions, and leaves only a difference of two years between yourself and President Kruger so far as the franchise is concerned.

It is obvious, however, that, as you pointed out at the Conference, no practical result could follow from any franchise, however liberal, unless the conditions attached to its acceptance and exercise are reasonable, and unless it is accompanied by the addition of such a number of representatives to the constituencies chiefly composed of Uitlanders as will enable the newly enfranchised burghers to obtain a fair share of representation in the First Volksraad.

The object of Her Majesty's Government, which they are led to believe is fully appreciated by the President, has been to secure for the Uitlanders the immediate enjoyment of such a share of political power as will enable them by the election of members from their own body to exercise a real influence on legislation and administration, without, however, giving them the proportion of representation to which their numbers, taken alone, might entitle them, and which the President objected would enable them immediately to swamp the influence of the old burghers.

They observe, however, that in the new draft Law, as in the proposals which it has superseded, there are still a number of conditions which might be so interpreted as to preclude those who would otherwise be qualified from acquiring the franchise, and might, therefore, be used to take away with one hand what has been given with the other. The provision that the alien desirous of burghership shall produce a certificate, under Article I. (section A) of the draft Law,† of continuous registration during the period required for naturalization is an instance of this, for it has been stated that the Registration Law has been allowed to fall into desuetude, and that but few aliens, however long resident in the country, have been continuously registered.

Her Majesty's Government feel assured that the President, having accepted the principle for which they have contended, will be prepared to reconsider any detail of his scheme which can be shown to be a possible hindrance to the full accomplishment of the object in view. They trust, therefore, that many of the conditions now retained may be revised, and that the residential qualification may be further reduced, since, in its present form, it will differentiate unfavourably the conditions of naturalization in the Transvaal from those existing in other civilized countries.

Her Majesty's Government assume that the concessions now made to the Uitlanders are intended in good faith to secure for them some approach to the equality which was promised in 1881; but the points they have still to urge for the consideration of the

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* No. 57 in [C. 9415].

† Enclosure in No. 55 in [C. 9415].

Government of the South African Republic are of great importance, and require a further interchange of views between the two Governments. These points involve complicated details and questions of a technical nature, and Her Majesty's Government are inclined to think that the most convenient way of dealing with them would be that they should in the first instance be discussed by delegates appointed by you and by the Government of the South African Republic, who should report the result of their consultation, and submit their recommendations to you and to that Government.

If a satisfactory agreement on these points can be reached in this way and placed on record, Her Majesty's Government are of opinion that it should be accepted by the Uitlanders, who in this case will be entitled to expect that it will not be nullified or reduced in value by any subsequent alterations of the law or acts of administration.

The settlement of this most important subject will greatly facilitate an understanding in other matters which have been the source of continuous and ever increasing correspondence between your predecessors and yourself and Her Majesty's Government. There have been, during the last few years, a number of instances in which Her Majesty's Government contend that the Conventions between this country and the South African Republic have been broken by the latter in the letter as well as in the spirit. There are other cases again in which there may have been no actual infraction of the letter of the Conventions, but in which injury has been inflicted on British subjects, for which redress is required on their behalf.

With a view to the settlement of some, at least, of these questions, the Government of the South African Republic has met the representations of Her Majesty's Government with an offer to submit them to the arbitration of some foreign Power. In view of the relations established by the Conventions of Pretoria and London, Her Majesty's Government have felt themselves compelled to declare emphatically that under no circumstances whatever will they admit the intervention of any foreign Power in regard to their interpretation of the Conventions.

Her Majesty's Government note, however, with satisfaction that, in the course of the discussion at Bloemfontein, President Kruger withdrew the proposal for the intervention of a foreign Power. In the Memorandum put in by him at the afternoon meeting on the 5th of June,* he spoke of his request for arbitration by other than foreign Powers, and the Government of the South African Republic, in a communication addressed to the British Agent on the 9th of June, to which I have already referred, has modified its former proposal as to the formation of a Tribunal of Arbitration, so as to substitute for a foreign Power a foreigner as President, and, therefore, as supreme Arbiter, in a Court to be otherwise composed of two members nominated respectively by her Majesty's Government and by the Government of the South African Republic. This proposal, although in a different form to those previously made, is equally objectionable, inasmuch as it involves the admission of a foreign element in the settlement of controversies between Her Majesty's Government and the Government of the South African Republic; and for this reason it is impossible for Her Majesty's Government to accept it.

Her Majesty's Government recognize, however, that the interpretation of the Conventions in matters of detail is not free from difficulty. While on the one hand there can be no question of the interpretation of the preamble of the Convention of 1881 which governs the Articles substituted in the Convention of 1884, on the other hand there may be fair differences of opinion as to the interpretation of the details of those Articles, and it is unsatisfactory that in cases of divergence of opinion between Her Majesty's Government and the Government of the South African Republic, there should be no authority to which to refer the points at issue for final decision.

If, therefore, the President is prepared to agree to the exclusion of any foreign element in the settlement of such disputes, Her Majesty's Government would be willing to consider how far and by what methods such questions of interpretation as have been above alluded to could be decided by some judicial authority whose independence, impartiality, and capacity would be beyond and above all suspicion.

After the discussion by delegates, as already proposed, of the details and the technical matters involved in the points which Her Majesty's Government desire to urge for the consideration of the Government of the South African Republic in relation to the political representation of the Uitlanders, it may be desirable that you should endeavour to come to an agreement with President Kruger as to the action to be taken upon their reports by means of another personal Conference.

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* Page 59 of [C. 9404].

In this case, the occasion would be a suitable one for you to discuss with his Honour the matter of the proposed Tribunal of Arbitration and those other questions which were not brought forward at the Bloemfontein Conference because of the failure to arrive at an understanding on the question of the political representation of the Uitlanders, but which, in the event of agreement upon that question, it is most desirable to settle at an early date.

You are requested to communicate this despatch to the Government of the South African Republic, and to express the hope of Her Majesty's Government that, in view of the urgent necessity of putting an end to the present unsettled state of affairs in South Africa, the Government of the South African Republic will find it possible to agree at an early date to the proposals made therein.

I have, &c.,
J. CHAMBERLAIN.

No. 10.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11.30 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 5. Following is substance of despatch* which goes by next mail: Successive modifications made by Government South African Republic since Conference have followed rapidly on each other and have been difficult to understand as reported by telegram. Happily each new scheme seems to have been improvement, and Her Majesty's Government hope latest proposals may prove to be basis for settlement on lines which you laid down at Conference. Convenient to state objects which Her Majesty's Government have desired to secure and reasons which have led them to press their views on Government South African Republic. Her Majesty's Government authorized you meet President in hope that you might arrive at arrangement which they could accept as reasonable concession to just demands of Uitlanders. They trusted that following on such amicable settlement differences between Governments might be adjusted and relations placed upon harmonious footing. Their hopes were for the time disappointed. Government South African Republic in despatch of 9th June, see your despatch of 14th June,† deplore increase of party feeling and race hatred as result of disputes between two Governments by which whole of South Africa suffers most deeply and is bowed down. Her Majesty's Government agree indirect consequences of strained relations are even more serious than results particular acts of legislation or administration, but they must point out that this deplorable irritation is primarily due to fact that in South Africa Government South African Republic alone has deliberately placed one of two white races in position of political inferiority, and has adopted policy of isolation in its internal concerns which has been admitted by present Prime Minister Cape Colony to be source of danger to South Africa at large. Conventions were granted in full expectation that according to categorical assurance by Boer leaders in negotiations preliminary to Convention of 1881 equality of treatment would be maintained. Then follow quotations from pp. 25 and 53, Parliamentary Paper 3219. In spite of these positive assurances all the laws which have caused grievances and all the restrictions as to franchise and individual liberty have been brought into force subsequently to Convention of Pretoria or London. Not only has letter of Convention of 1884 been repeatedly broken, but whole spirit has been disregarded by this complete reversal of condition of equality between white inhabitants. Responsibility of Her Majesty's Government is further increased by fact that it was at request of High Commissioner that people of Johannesburg permitted themselves to be disarmed in January, 1896. High Commissioner's request was made after issue by President South African Republic of Proclamation of 30th December. Unfortunately, assurances conveyed in this Proclamation have been no better observed than assurances of 1881. Her Majesty's Government believed that acceptance of invitation to Bloemfontein was indication of Government South African Republic being prepared to make adequate proposals. But proposals actually made during course of proceedings were not such as could in any way be accepted as meeting case. Her Majesty's Government have

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* No. 9. † No. 1.

approved of your having put in foreground grant of such measure reform as would give Uitlanders at once reasonable share of political power, for although even if such privileges were fairly and fully conceded there would remain many causes of difference; still such concession would afford Uitlanders opportunity for formulating grievances and influencing legislators and Government and eventually would doubtless secure redress without necessity of appealing to any external Power. Her Majesty's Government have also observed with approval that in view of refusal of President to grant effective share in Government to Uitlanders, you pressed on him as proposal not open to any of the objections urged by him to grant of liberal franchise possibility of granting Municipal Government for Johannesburg in reality as well as name. Her Majesty's Government heard with regret President declined to entertain your suggestions. Since Conference new proposals were submitted to Volksraad in draft of Act officially communicated to British Agent 12th July. This draft was advance on President's earlier proposals, but after most careful examination Her Majesty's Government reluctantly came to conclusion that they could not regard new scheme as affording any basis for settlement of the question or as one which would give immediate and reasonable share of political representation. Her Majesty's Government learn with satisfaction from your telegram of 19th July * that Government South African Republic have still further amended their proposals and that Volksraad has now agreed to give franchise at once to those who have been resident in country for seven years. This proposal is advance on previous concessions and leaves only difference of two years between you as far as franchise is concerned. However, it is obvious that as you pointed out at Conference no practical result could follow from any franchise unless conditions are reasonable and newly enfranchised Burghers obtain fair share of representation in First Volksraad. Object of Her Majesty's Government has been to secure for Uitlanders such immediate share of political power as will enable them to exercise real influence on legislation and administration without swamping influence of old Burghers. They observe, however, that in new draft of Act there are still conditions which might be interpreted so as to preclude those otherwise qualified from acquiring franchise. Her Majesty's Government feel assured that President, having accepted principle for which they have contended, will be prepared to reconsider details which can be shown to be possible hindrance. They, therefore, trust that many of conditions now retained may be revised, and that residential qualification may be further reduced. Her Majesty's Government assume that concessions now made are in good faith intended to secure some approach to equality promised in 1881, but points they have still to urge for consideration Government of the South African Republic are of great importance and require further interchange of views between two Governments. These points involve complicated details and questions of technical nature, and Her Majesty's Government are inclined to think most convenient way of dealing with them would be that they should first of all be discussed by delegates appointed by you and by Government of South African Republic who should report result of consultation and submit recommendations to you and to that Government. If satisfactory agreement on these points can be reached in such a way and placed on record, Her Majesty's Government are of opinion that it should be accepted by Uitlanders, who in this case will be entitled to expect that it will not be subsequently nullified or reduced in value by any alterations in law or acts of administration. Settlement of this most important subject will greatly facilitate understanding in other matters. With view to settlement of some at least of these questions Government of the South African Republic has met representations of Her Majesty's Government with offer to submit them to arbitration of a foreign Power. In view of relations established by Conventions, Her Majesty's Government have felt compelled to declare emphatically that under no circumstances will they admit intervention of any foreign Power with regard to their interpretation of Conventions. Her Majesty's Government note, however, with satisfaction, that at Bloemfontein South African President withdrew proposal for intervention of foreign Power; he has modified former proposal so as to substitute for foreign Power foreigner as President. This proposal, although in different form to those previously made, is equally objectionable, inasmuch as it involves admission of foreign element in settlement of disputes between Her Majesty's Government and Government of South African Republic; for this reason it is impossible to accept it. Her Majesty's

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* No. 57 in [C.—9415].

Government, however, recognize that interpretation of Conventions in matters of detail is not free from difficulty. While on the one hand there can be no question of interpretation of preamble Convention of 1881 which governs Articles substituted in the Convention of 1884, on the other hand there may be fair differences of opinion as to interpretation of details of those Articles. If President is prepared to agree to exclusion of any foreign element Her Majesty's Government would be willing to consider how far and by what methods such questions of interpretation could be decided by a judicial authority whose independence, impartiality and capacity would be beyond and above all suspicion. After discussion by Delegates of details and technical matters in relation to political representation of Uitlanders it may be desirable that you should endeavour to come to an agreement with President Kruger by means of another personal Conference. In this case occasion would be suitable one for you to discuss with President matter of the proposed Tribunal of Arbitration and those other questions which were not brought forward at Bloemfontein but which it is most desirable to settle at early date.

No. 11.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 28, 1899.)

TELEGRAM.

27th July. No. 5. Reuter's telegram from Pretoria, which I have just seen, gives State Secretary's version of last Resolution of Executive about increase of seats, which is calculated to confuse the mind of the public. He talks of 12 seats for mining districts, meaning 6 for First Volksraad and 6 for Second, and tries to represent as an important new concession the increase in the Second Volksraad. But for every constituency number of Members has always been the same for each of the two Raads; and increase of the First has invariably entailed similar increase for the Second. I did not stipulate about increasing the latter, simply because I knew that it followed as a matter of course from the increase of the First Volksraad. Of this, according to the latest proposal, the increase is 4. When State Attorney talks of 6 Members for mining districts, he arrives at this figure by counting in existing Member for Rand and existing Member for De Kaap, which is same as Barberton. By the Rand I assume State Attorney means present electoral district of Johannesburg. Total new Members are reduced to 3, if he includes electoral division of Heidelberg, which covers part of the Rand and already has a Member. But I think intention really is to give 4 and make total Volksraad 32.

As regards allegation of importance of Second Volksraad, its political power is nil, though it has no doubt passed some useful laws of non-contentious kind. With this matter I dealt fully in my Memorandum at the Conference and no answer to any one of my arguments has ever been given. Election of local officials—*e.g.*, Field Cornets, Commandants, and Landdrosts—is a matter of more practical importance. These are elected by Burghers in South African Republic, but in mining districts they are appointed by Government. In this respect Uitlanders will not be put on same footing as other Burghers, as there is no proposal to alter it. President South African Republic misled me on this point at Bloemfontein (my telegram of 1st July, No. 5*). This all shows how absolutely essential it is to have scheme carefully tested in details before placing any reliance upon it.

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* No. 27 in [C.—9415].

No. 12.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11 a.m., July 28, 1899.)

TELEGRAM.

27th July. No. 4. Referring to my telegram of 15th July, No. 2,* over 1,100 signatures since obtained in Natal. I have received letter from two Members of Legislative Assembly here, forwarding identical Petition from 38,500 British subjects in Cape Colony and 2,000 in Rhodesia. They state that Petition signed by number of influential Dutch-speaking inhabitants, that genuineness of nearly all signatures attested by affidavit, and that large additional number from Rhodesia and Cape Colony will shortly arrive. I understand that no civil servants, police, or railway men have been asked to sign, though these are estimated to form about one-eighth of whole male population.

No. 13.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL).

(Sent 2.45 p.m., July 28, 1899.)

TELEGRAM.

28th July. Her Majesty's Government have received with much satisfaction your telegram of 25th July,† reporting resolution passed by Legislative Council.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, July 28, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th of June,‡ forwarding a proposal from the Government of the South African Republic for submitting to arbitration differences arising as to the interpretation of the London Convention, and I have to refer you to my despatch of yesterday's date.§

I have, &c.,

J. CHAMBERLAIN.

No. 15.

HIGH-COMIMSSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 29, 1899.)

[*Answered by No.* 40.]

SIR, Government House, Cape Town, July 12, 1899.

I HAVE the honour to enclose for your information a copy of a communication from representatives of the Dutch Reformed Church respecting the present position in South Africa, and a copy of the reply I caused to be returned thereto.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

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* No. 53 in [C.—9415].

† No. 5.

‡ No. 1.

§ No. 9.

Enclosure 1 in No. 15.

From MODERATOR and other Representatives, Dutch Reformed Church, to The HIGH COMMISSIONER, Cape Town.

Somerset East,
June 30, 1899.

SIR,

PERMIT us to approach Your Excellency as Her Majesty's Representative, in order to give expression to what we most deeply feel at the present critical juncture in the history of South Africa. The tension between the Dutch and English races in this Colony and in the Transvaal, which has been on the increase of late, has filled us with deep alarm; and this alarm has been steadily growing on account of the warlike attitude assumed by an influential portion of the local and the British Press.

It would be presumption on our part to suggest either to Your Excellency, or to the President of the Transvaal Republic, what should be done to avert the evil consequences which may result from this more than strained relationship; nor do we feel justified to tread on political ground. But, as men holding the responsible position of members of the Moderamen of the Dutch Reformed Church in South Africa, as preachers of the Gospel of peace, as representing a Church one in creed, language, membership, blood-relationship with the burghers of the Transvaal, as loyal subjects of our beloved Queen, we desire to urge upon Your Excellency to leave nothing undone which may tend to avert active hostilities. We shudder to think of the consequences which are sure to follow such an eventuality. The race-feeling between the Dutch and English would be intensified, the breach between the two sections of our South African community would become irreparable, the allegiance of Her Majesty's loyal Dutch subjects would sustain the severest shock it has ever been subjected to, and the hope of a United South Africa would be gone for ever.

To us standing outside the political arena the difference between the proposals of Your Excellency and those of President Kruger would hardly appear to justify the horrors in which active warfare between Her Majesty's troops and the burghers of the Transvaal Republic would involve the whole of South Africa for many a day.

We look upon Your Excellency as the instrument which God may use to avert these disasters, and to initiate a period of harmony and peace among the two white races of South Africa, whereby your name will be kept in grateful remembrance by succeeding generations in this part of the world.

Requesting Your Excellency to acquaint Her Majesty the Queen with the sentiments expressed by us, and recommendiug you to God's gracious guidance,

We have, &c.,
J. H. HOFMEYR, Moderator Synodi.
A. MORREES, Assessor.
J. J. KOTZÉ, D.D., Actuarius Synodi.
C. M. J. F. MULLER, Scriba Synodi.

His Excellency Sir Alfred Milner,
Governor, &c., and
Her Majesty's High Commissioner, &c., &c.,
Cape Town.

Enclosure 2 in No. 15.

From the PRIVATE SECRETARY, Cape Town, to J. H. HOFMEYR, Moderator, Dutch Reformed Church, Somerset East.

SIR,

Government House, Cape Town, 8th July, 1899.

I AM directed by His Excellency to acknowledge the receipt of a letter of 30th June, signed by you as Moderator and by other representatives of the Dutch Reformed Church. Coming from the heads of that great religious community, the communication in question is entitled to receive and has received His Excellency's most earnest consideration. His Excellency is transmitting it to the Secretary of State for the Colonies for submission to Her Majesty.

His Excellency begs me to add that his endeavours will continue to be directed to attaining a pacific solution of the political troubles at present agitating South Africa. Of such a solution he does not despair.

His Excellency is satisfied that a potent cause of the present unrest is the fact that a large and influential section of the white population of the Transvaal is deprived of all

share in the government of the country, and is suffering from a sense of inequality and injustice. He believes that in seeking a remedy for this state of things he is trying to remove the greatest stumbling-block to the good feeling and harmonious co-operation of the two principal white races of South Africa, upon which the welfare of the country depends. He feels sure that, whatever may be thought of his particular proposals, the object of his endeavours at least will have your sympathy.

Yours faithfully,
O. WALROND,
Private Secretary.

J. H. Hofmeyr,
Moderator,
Somerset East.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 29, 1899.)

[*Answered by No.* 28.]

Government House, Cape Town,
July 12, 1899.

SIR,

I HAVE the honour to transmit to you copies of communications from Her Majesty's Agent at Pretoria, respecting the proposed amendments in the franchise law of the South African Republic.

On the morning of Saturday last (the 8th instant) there was published in the *South African News* the enclosed statement* of the terms of the Government Resolution as accepted the previous day in the First Raad by 26 to 2 votes. The same paper contained a letter from the Premier of this Colony, and a statement by him as to the adequacy of these proposals, both of which I have already telegraphed to you *in extenso*.†

The general feeling here was one of uncertainty as to the precise meaning of the Resolution. Some of the best lawyers in Cape Town, indeed, interpreted it to mean that any person with less than nine years' residence at the passing of the new law would have to wait an additional five years from the passing of the law before getting the franchise; and you will see from the annexed cutting,‡ that even the *Pretoria Press*, which habitually draws its inspiration from the Government of the Republic, condemned this portion of the scheme as complicated and unfair.

Mr. Hofmeyr returned from his journey to Pretoria on Monday morning. I enclose an account of his proceedings, which is taken from *Ons Land*, and may therefore be presumed to be published with his approval. He called upon me shortly after his arrival and handed me a copy of the latest draft of the proposed law, of which I enclose a translation.§

The draft has not yet been published, and until this is done I feel that it would be waste of time to attempt to criticise its provisions, seeing that it is quite possible that material alterations will again be made before it sees the light.

I need now only call your attention to the following points:—

(1) The first words of Article 1, "Save where in this or in any other law an exception or other provision shall be made," as compared with Article 10, "All laws and stipulations in conflict with this law are hereby repealed."

(2) The necessity of producing, in cases where the applicant is not personally known to the Field Cornet and Landdrost, sworn declarations from at least four well-known ("notabele") fully-enfranchised burghers of the ward and district. The difficulty that this would put in the way of residents in Johannesburg hardly needs pointing out.

(3) The definition of "dishonouring sentence" has not yet been given.

(5) The franchise is not to be given after seven years residence, but seven years after giving notice of intention to be naturalised, which is a very different matter.

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* Enclosure 7.
‡ Not re-printed.
† *See* [C. 9415], page 31.
§ Enclosure 9.

(7) The question of redistribution is not touched in the draft, nor,
(8) is that of "the qualifications and manner of election of the State President and Commandant-General" (referred to in the Resolution), which are matters of the highest importance in connection with a proper settlement of the franchise question.

Her Majesty's Agent has now been directed, in accordance with your instructions,* to inform the Government of the South African Republic that if they desire that their latest proposals with regard to the franchise and an increase of seats should form an element in the settlement of differences between the two Governments, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme and hope that they will not proceed with it until Her Majesty's Government have had an opportunity of considering it and communicating their views. Before this despatch reaches you the answer of the Government of the Republic will be known, and if they consent to this course and furnish me with a complete statement of their proposals, I shall submit these to you with a full expression of my views upon them.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 16.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 4, 1899.

I HAVE the honour to report that the debate on redistribution, which had been interrupted when the Raad adjourned on the 15th ultimo to consult their constituents on the Franchise Law, was resumed yesterday.

In the course of the discussion, in which a good many members took part, the President stated that the majority of the people were opposed to a general redistribution, and therefore the Raad could not agree to it. There must, however, be an increase of representation in certain places, such as Johannesburg and Zoutpansberg, where two representatives would have to be granted. Then there were the Gold Fields, His Honour said, where the people were flocking, and whose interests it was impossible for two members to represent. He was not, he said, referring to the strangers, but to his own burghers. He had, however, formulated a scheme to provide for the Gold Fields, and suggested the appointment of a Commission to devise, in conjunction with the Government, the means by which representation might be increased.

Mr. Loveday contended for proper representation in ratio to the number of the burghers stating that it was against all Republican principles that a district with 400 burghers, should have the same representation as one with 30,000 burghers. He recommended the appointment of a Commission with instructions to draw up a scheme for representation in ratio to the number of burghers in each district.

A number of members spoke in favour of the claims of country districts to increased representation, and five resolutions were finally put to the vote, of which one was at last carried by 14 votes to 13, instructing the Government to draw up a Draft Law, to be submitted to the Raad in the next ordinary session, whereby the Raad should be increased in such a manner as to give Pretoria one additional member, and that those districts which are now represented by one member should be granted an additional repre sentative.

A report of the debate† is annexed.

This morning the *Transvaal Leader* published the accompanying analysis† of the result of the new scheme, from which Your Excellency will observe that 19 new members will thereby be added to the Raad, which will then be composed of 47 members. Of these 19 new members, the districts of Johannesburg, Krugersdorp, Heidelberg and Barberton will each receive a new member, making four in all, while the remaining 15 new members, including Pretoria, will fall to exclusively burgher districts.

Of this scheme, the same newspaper remarks that "if this proposal is a joke, it is joking of a bad and dangerous kind at such a juncture." It certainly is difficult to understand how, quite apart from the impossible nature of the scheme itself, the Raad could seriously entertain the idea of recommending any scheme of redistribution

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* *See* [C. 9415], p. 43. † Not reprinted.

whatever, at a time when the whole franchise question has still to be settled, and in the face of the High Commissioner's recent demand for such a redistribution of seats as will not leave the Uitlanders in a contemptible minority. As, however, the new measure is only to be drafted for submission to the people a year hence, and a good deal will probably have happened ere then, it is really not worth considering the matter further, except in so far as it affords another indication of the apparent incapacity of the Raad to realise the most elementary requirements of the situation.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

Enclosure 2 in No. 16.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Extract.)

Her Majesty's Agency, Pretoria, July 4, 1899.

I HAVE the honour to transmit to Your Excellency herewith, in triplicate, certified copies of a "Declaration" issued by the newly-formed Uitlander Council of Johannesburg, which has been forwarded to me on behalf of that body by the British Vice-Consul, with a request that I would send it to Your Excellency for transmission to the Secretary of State.

Your Excellency will notice that in this Declaration the Council, after dealing with the proposals submitted by the High Commissioner at the Bloemfontein Conference, which they declare to be calculated in no small degree to bring about a practical and permanent settlement of outstanding difficulties, pass on to recite, under 17 headings, the main provisions of a Reform Act which they consider ought to be included in the permanent and fundamental laws of the South African Republic, as the outcome of an understanding between Her Majesty's Government and the Government of the Republic.

In forwarding this Declaration, which was published in yesterday's Johannesburg newspapers, I may say that there is no little difference of opinion as to the advisability of its publication just now.

The Government supporters say that its appearance has been timed to coincide with the re-assembling of the Volksraad, and that the object of the Council in publishing it was to complicate, and perhaps even precipitate, the situation. Others, while sympathising with the recommendations of the Declaration, think that its publication at the present moment was premature, if not inopportune. Others again would have preferred that the Uitlander case, having once been stated by the High Commissioner at Bloemfontein, should be adhered to, and that an understanding on that basis should be persisted in between Her Majesty's Government and the Government of the Republic.

On the other hand, a large section of the more advanced Uitlanders unreservedly approve of the action of the Council, and especially of the Reform Act itself, which they consider to be a reasonable Declaration of Rights, and a telling reply to the narrow-minded Government Franchise Law previously criticised by the same Council.

Your Excellency will gather from the above remarks that public opinion is by no means unanimous on the action of the Council in putting forward its Reform Bill at the present juncture.

DECLARATION OF THE UITLANDER COUNCIL.

The Uitlander Council, having carefully considered the present political situation, resolved, at their meeting on Saturday Evening, 1st July, to publish the following Declaration, and to communicate a copy thereof to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner and the Right Honourable the Secretary of State for the Colonies :—

The proposals submitted at the Bloemfontein Conference by His Excellency the High Commissioner were briefly :—

1. That Uitlanders possessing a certain property or wages qualification, on proving that they had resided five years in the country and on taking an oath of allegiance, be given full burgher rights.

2. That there should be such a distribution of seats as would give to the new-comers a substantial representation in the First Volksraad, but not such as would enable them to swamp the old burghers.

All must admit that this scheme is most conservative, because—

(*a.*) It does not restore to the Uitlanders all the rights of which they have been unjustly deprived since the retrocession.

(*b.*) Nearly the whole revenue of the country is derived from the taxation of the Uitlanders.

(*c.*) The Uitlanders form at least two-thirds of the total white population. (This was practically admitted by President Kruger at the Conference.)

(*d.*) In most new countries one or two years' residence ensures full voting power. There is no reason why there should be more stringent conditions in operation in this State than in Natal or Cape Colony, or than those which existed until quite recently in the Orange Free State, and which were only changed from one to three years on account of the unhealthy political conditions in the South African Republic.

Notwithstanding, however, the conservative character of the scheme, the Uitlander Council consider that the proposals of His Excellency the High Commissioner are calculated in no small degree to bring about a practical and permanent settlement.

But, in the opinion of the Uitlander Council, it is essential at the outset to definitely fix the conditions under which :—

1. All duly qualified persons can get the franchise without any unnecessary expense, trouble, or delay, and without being subjected to any kind of intimidation.
2. Those who have got the franchise shall be able to use it effectively.
3. Redistribution of seats shall take place periodically by automatic arrangement, and representation shall bear some definite relation to the number of electors.

Having regard to the recent history of the Government of this country and the facility with which even fundamental laws are and may be changed, the Uitlander Council are convinced that no settlement will be of any value unless its permanency is guaranteed by an understanding between the Imperial Government and the Government of the South African Republic.

Further, knowing by past experience that every effort will be made by means of the existing Government machinery to obstruct and pervert even the smallest measure of reform, and bearing in mind the immense discretionary power accorded by the laws to all Government officials, the Uitlander Council are strongly of opinion that the understanding between the two Governments should provide for such immediate changes in the present laws of the country as would make it possible to carry out Sir A. Milner's scheme, not only in the letter, but also in the spirit.

The outcome of the understanding between the two Governments should be the inclusion amongst the permanent and fundamental laws of the South African Republic of a Reform Act embracing, in addition to the clauses providing for naturalisation and redistribution on the lines already indicated, the following amongst other provisions :—

1. No burgher or alien shall be granted privileges or immunities which upon the same terms shall not be granted to all burghers.
2. No person shall on account of creed or religious belief be under any disability whatever.
3. The majority of the inhabitants being English-speaking, English shall be recognised equally with Dutch as an official language of the State.
4. The independence of the High Court shall be established and duly safeguarded.
5. Legislation by simple resolution (*besluit*) of the Volksraad shall be abolished.
6. The free right of public meeting and of forming electoral committees shall be recognised and established.
7. The freedom of speech and of the Press shall be assured.
8. All persons shall be secured in their houses, persons, papers, and effects, against violation or illegal seizure.
9. The existence of forts and the adoption of other measures intended for the intimidation of the white inhabitants of the country, being a menace to the exercise of the undoubted rights of a free people, shall be declared unconstitutional.
10. Existing monopolies shall be cancelled or expropriated on equitable conditions.
11. Raad members must be fully enfranchised burghers and over 21 years of age. Any candidate for the Presidency must be a fully enfranchised burgher over 30 years of age, and have been resident in the country for 10 years.

12. All elections shall be by ballot and shall be adequately safeguarded by stringent provisions against bribery and intimidation.

13. All towns with a population of 1,000 persons and upwards shall have the right to manage their own local affairs under a general Municipal Act. The registration of voters and the conduct of all elections shall be regulated by local bodies.

14. A full and comprehensive system of State Education shall be established under the control of Local Boards.

15. The Civil Service shall be completely reorganised, and all corrupt officials shall be dismissed from office, and be ineligible for office in the future.

16. Payments from the public treasury shall only be made in accordance with the Budget proposals approved by the Raad, with full and open publication of the accounts periodically.

17. No person shall become a burgher and no fresh constituency shall be created except in accordance with the lines herein laid down, and officials shall have no discretionary power in this or any other matter affecting the civil rights of the inhabitants of the country.

True copy,

W. S. JOHN CARR,
Hon. Sec.

Enclosure 3 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

7th July, 1899. No. 172.—At a public session of Volksraad this afternoon a Government missive was read in which certain amendments in the draft franchise law were proposed. The missive further requested the Raad to nominate a commission of five members to draw up a draft law in concert with the Government in proper form and to lay the same before the Raad for consideration. The following are the amendments as communicated to the Press, no copy of document being forthcoming :—

1. Persons who do not wish to be naturalised under the old draft law can take the oath at the end of seven years' residence in the country and after having given notice of their intention to claim full burgher rights at the expiration of that time.

2. Those who came into country prior to the coming into effect of the present law, but who were not naturalized, can obtain the franchise after nine years' residence or five years after the passing of the law, provided the period of seven years above mentioned in the law has expired.

3. The special franchise referred to under Article B. 2 of the old draft law to be limited to officials or persons who have rendered important services to the country.

4. Children of aliens born in the country to obtain full franchise on attaining majority.

5. It is not necessary to prove possession of franchise rights in the land of former residence.

6. When the Field Cornet or Landdrost are unable to give the certificate required by law, they shall hand in an affidavit from the applicant and from four full burghers of the ward or district that applicant had been resident in the district during the required time and had obeyed the laws of the country during that time.

The Government further proposed to the Raad to revise the registration law and the qualifications for the manner of election of State President and Commandant-General. The Government also gave notice that four new members in each Raad would be allotted to the Gold Fields. Newly naturalised persons will have the opportunity this year of taking part in the new elections.—GREENE.

Enclosure 4 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

July 8th. No. 173.—The following are the comments in this morning's newspapers on the Government draft franchise proposals :—

The "Standard and Diggers' News" says :—"We do not say the electoral reform is

all that could be desired, for we ourselves urge the adoption of a simple five years' residential qualification with retrospective action, but even the most hostile critic of the Volksraad must admit that the measure is a notable forward movement."

The "Press" says:—"The provision in clause 2 contains irreconcilable statements and is involved in the extreme, and should not have been introduced at all. For the rest the proposals are eminently fair and reasonable."

The "Transvaal Leader" says:—"While we welcome the advance in principle made by the Government, we find it absolutely impossible to accept the proposals under consideration. They are involved and arbitrary. They are based on sheer distrust of the Uitlanders, and such an ungenerous foundation is the worst basis for a political system. The effect of them is to deprive present Uitlanders of representatives for many years, and when they can at last vote, they can only vote for an insignificant minority."

I will send you the draft proposals and press comments by post to-day.

I notice that one clause was omitted in the communication made to the press last night. It is a clause which provides that such dishonouring sentences as form disqualification for the franchise are to be specified in the law.

Enclosure 5 in No. 16.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 8, 1899.

WITH reference to my telegram, No. 172, of yesterday, I have the honour to report that the Raad, who had sat in Secret Session all Thursday and up till midday yesterday, and who had also held several caucus meetings at night in the Raadzaal, assembled in public session yesterday afternoon, when a Government missive was read in which certain amendments of the Draft Franchise Law were proposed. The missive requested the House to nominate a committee of five members to draw up, in conjunction with the Government, a new draft law in proper form, and to lay the same before the Chamber for consideration.

The Government further proposed that the Raad should revise the Registration Law, and that the qualifications and manner of election of the State President and Commandant-General be more clearly defined.

Finally, the Government notified the Volksraad that eight new members would be allotted to the Gold Fields, four for each Raad, and that those persons entitled to the franchise under the revised law would be allowed to take part this year in the new elections.

After a short debate, in which Mr. Tosen declared that the Raad had already confirmed the original franchise proposal, and that the same must be repealed before the new measure could be considered, the President and the State Attorney explained that the Raad had only confirmed the principle of the old law, and that it therefore remained a draft law, and could now be considered with the alterations.

The House then resolved, with only two dissentients, to agree to the spirit of the Executive's Resolution and the alterations of the draft law proposed therein, and to appoint a committee of five members to embody the said alterations in a revised draft law and to submit it to the Raad, together with a fresh draft Registration Law and an amendment *re* the election of the State President and Commandant-General.

The Committee selected were Messrs. F. G. Wolmarans, van Niekerk, Stoop, Vorster, and L. J. Meyer.

This morning the Committee met the Government and the State Attorney and commenced the work of collation and revision.

I have the honour to enclose reports of the debate, and copies of the Government missive, from the "Standard and Digger News,"* "Press,"* and "Transvaal Leader," of to-day, together with editorial articles* discussing the proposals.

I may add that no official copies of the Government missive were distributed to the Raad yesterday, nor have any, as far as I know, been yet issued. I can only therefore forward the copies contained in the accompanying press reports.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

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* Not printed.

("LEADER," July 8th, 1899.)

THE POLITICAL SITUATION.—AMENDED DRAFT LAW ON THE FRANCHISE.

PRETORIA, July 7 [LEADER Special.]—The total result of the recent triangular conferences, journeyings to and fro, and Secret Sessions, was made public in the Raad this afternoon.

On the Raad re-assembling at 2 o'clock, the President and members of the Executive took their seats, while Mr. Fischer also occupied a place of honour on the Executive benches.

The Chairman announced that a Government missive would be read in reference to the franchise.

A GOVERNMENT MISSIVE

was then read as follows :—

To The Chairman of the First Raad :

For the consideration of the Raad I have the honour to submit a resolution of the Executive Council, arising from the published draft Franchise Law, and I request the hon. body to consider that resolution in connection with the said draft.

Further, the Government respectfully suggests that should the Raad agree to the principle of the proposed alterations a commission of five members from that hon. body shall be elected to draw up the published draft law in conjunction with the Executive Council, wherein the proposed alterations should be embodied, and that the said draft law shall be laid as speedily as possible before your hon. body for consideration.

And the Executive resolves, further, to inform the Hon. the Raad that it is the intention of the Executive Council, in terms of Law 12 of 1887, to increase the representation of the Gold Felds in each Raad by four members, in such manner as shall be made known later, but in time so that those who, in terms of the new law get the franchise, shall have an opportunity of voting for the new members.

(Signed) F. W. REITZ,
State Secretary.

THE EXECUTIVE COUNCIL PROPOSALS

were then read as follows :—

1. That persons who are not desirous of naturalising themselves in the manner prescribed in the published draft law, can obtain the full burgher and franchise rights by taking the oath after a domicile of seven years, reckoned from the date on which they have made written application for full burgher and franchise rights.

2. That those persons who, before the operation of this law, have lived in the Republic, can get letters of naturalisation, with the full franchise, nine years after they have come to live here, or five years after the operation of this law, provided that a period of not less than seven years has elapsed after the date of establishing themselves in the country.

3. That the Article under which the Government has the right to grant letters of naturalisation, with the full franchise, to persons who do not fall under the stipulations of this law, shall only apply to officials, or persons who have rendered service to the country.

4. That male children of foreigners born in this country shall have the right to become naturalised, and to get the full franchise on attaining their majority.

5. That the stipulation with regard to full citizenship and franchise, or the right thereto, in the country where persons lived before, shall be cancelled.

6. That where the Fieldcornet or the Landdrost is not in a position from personal knowledge to certify for the obtaining of letters of naturalisation for full franchise as required by law, he can do so on the sworn declaration of the applicant and four reputable full burghers of the ward or district, to the effect that the applicant was living or domiciled in the ward or district for the period required by law, and that during that time was obedient to the laws and true to the independence and the country.

7. That it should be provided in the Law what dishonouring sentence and disqualifications shall hold good with regard to the obtaining of the franchise.

8. Any further alterations of minor importance.

The Executive further proposes that the law with regard to registration shall be revised, and also that in the draft Grondwet provision shall be made for the qualifications and the manner of choosing of the State President and the Commandant-General.

THE DISCUSSION.

Mr. Tosen said he was of opinion that the Raad must first alter their last resolution whereby the original proposals were confirmed.

The Chairman said the resolution of the combined Raads had caused the former resolutions to lapse.

Mr. Tosen maintained that it was the original proposals that were confirmed by the Raad, and they were law ; therefore it was necessary to repeal the old law before they could go further.

The President said laws were often altered, and it was not until the alterations were made that the old law was repealed.

Mr. De la Rey : The member for Piet Retief appears to be all at sea. We are following the ordinary rules. There is no need to discuss the matter at length.

Mr. Tobias Smuts : We approved of the other proposals, but only in principle. It is open for the Raad to make alterations.

Mr. J. B. Wolmarans said the people had approved the proposals published ; now there was a proposal to make naturalisation optional. The question now was whether he could agree to an amendment that abolished a condition that his burghers had plainly insisted upon.

Mr. De Beer : The member can raise his objections at the proper time.

Mr. Wolmarans: I am on the Order. I want to know with regard to the seven years; when has notice to be given?

The State Attorney: The person gives notice of his intention to take the franchise, and then has to wait seven years. He can wait longer, but not less.

Mr. A. D. Wolmarans, M.E.C., pointed out that the Government only suggested certain alterations to be considered in connection with the draft already published. It was not a question of approving these alterations at this stage.

Discussion was closed and a motion, Van Niekerk—Coetser, was carried: "To accept the Government missive."

The President also gave a long explanation of the seven years' term. If people did not take it after seven years that was their lookout, but they must wait the full seven years.

Several members wished for information on minor points, but the Chairman pointed out that all these matters could be discussed when the draft was submitted for final consideration.

Mr. Tosen again returned to the charge with regard to the previous proposals. Would the State Attorney say what their resolution meant. Was not the law itself approved and its working only postponed?

The State Attorney: Only the principle was approved; the law is still a draft law, containing the amended franchise proposals for notice, and to appoint a Commission of five members to act in conjunction with the Government to consider the proposals, and report to the Raad as speedily as possible, the Executive also being instructed to propose alterations to the Registration Law, and the manner of voting for the qualification required of a State President and Commandant-General.

As the Commission, there were elected Messrs. F. G. Wolmarans, Van Niekerk, Stoop, Vorster, and L. Meyer.

Enclosure 6 in No. 16.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

TELEGRAM.

9th July. No. 179. I have received following from British Vice-Consul, Johannesburg, dated to-day. Resolutions have been passed by the Uitlander Council to the effect that the Government Franchise proposals are totally inadequate and quite unacceptable to the Uitlanders; resolutions also re-affirm confidence in the High Commissioner and strongly condemn the declarations made on behalf of himself and the Cape Government of the Prime Minister of Cape Colony.—(GREENE.)

Enclosure 7 in No. 16.

("SOUTH AFRICAN NEWS," July 8th, 1899.)

THE GREAT REFORM ACT.

Pretoria, July 7 (Special).—The following is the exact Government resolution, as accepted to-day in the First Raad by 26 to 2 votes:—

The Executive resolves to submit to the Volksraad certain alterations in the Franchise Law as follows:—

(1) The oath of naturalisation to be optional after two years.

(2) Full franchise is obtainable after seven years' domicile, provided that the applicant has complied with the laws of the country, and takes the oath of allegiance. Notice for full franchise and burghership to be given in advance for this period of seven years.

(3) Persons who come into the country previous to the passing of this law can obtain the franchise nine years after entry or five years after the passing of the law; provided in the latter case the applicant has been in the country not less than seven years.

(4) Persons who do not comply with the requirements of the law can only get the franchise if they are officials, or have rendered special service to the country.

(5) Children of aliens who are born in the country can get the full franchise on attaining their majority.

(6) It is not necessary to applicants to prove their right to the franchise in the country of their previous residence.

(7) Where the Field-cornet or Landdrost does not know the applicant, the latter can submit his affidavit and those of four burghers to show that he has complied with the conditions of the law.

(8) Such dishonouring sentences as form disqualification for the franchise to be specified in the law.

(9) Some further alterations of minor importance.

Further, the Executive resolves that the Volksraad revises the Registration Laws, and further that the qualifications and manner of election of the State President and Commandant-General be more clearly defined.

Finally, the Executive notifies to the Volksraad that four new members for each Raad will be given to the Gold Fields, and that those entitled to the franchise under the revised law this year will be allowed to vote.

Enclosure 8 in No. 16.

("SOUTH AFRICAN NEWS," July 11, 1899.)

THE MISSION OF MESSRS. HOFMEYR AND HERHOLDT.

Ons Land to-day contains the following, which by the courtesy of the editor of that journal, we are permitted to reproduce :—Messrs. Hofmeyr and Herholdt left by special train on Saturday morning, the 1st inst., at half-past seven, on their special mission. The journey to Bloemfontein was completed within 32 hours. At the earnest request of President Steyn they took up their abode in the Government House. Mr. Abraham Fischer, member of the Executive Council of the Free State (whose attempts in the cause of peace not only at Bloemfontein but also at Cape Town and especially at Pretoria cannot be warmly praised enough), had arrived from Pretoria, together with State-Attorney Smuts and the Under State Secretary, to consult with Messrs. Hofmeyr and Herholdt. As they had to return speedily to Pretoria, the consultation commenced at once. Excepting a short adjournment for dinner, the proceedings went on uninterruptedly till almost midnight. Messrs. Smuts, Fischer, and Grobler, were thus made acquainted with the opinions of Messrs. Hofmeyr and Herholdt on the subject, and knew precisely what had to be done, in the opinion of the Colonial representatives, to gain the moral support of Colonial Africanders and to lead in the direction of peace.

It was at that time still uncertain whether Messrs. Hofmeyr and Herholdt would proceed on their journey to Pretoria. They themselves were not yet convinced that their opinions would find support in Pretoria, and everyone can readily understand that if they went to Pretoria but returned unsuccessful they would have done nothing for either the cause of peace or of the Transvaal, but the Opposition would have rejoiced exceedingly over their non-success, and would have quoted this as a proof of the fact that Oom Paul and the Transvaal Boers had no ear for justice or reasonableness, and therefore had no right to the sympathy of Colonial Africanders. That, of course, would not have hindered the disturbance of peace, but would have brought such an event nearer. It was therefore agreed upon that Messrs. Hofmeyr and Herholdt would not go to Pretoria except they could be assured of achieving something of importance there. As they had received no such assurance on the afternoon of the following Tuesday, but as it seemed the assurance was almost in a contrary direction, preparations were already made for the homeward journey. From this arose the telegrams which appeared in some papers, that Messrs. Hofmeyr and Herholdt would not visit Pretoria. But a little later on in the day they received a hint that although their chances of success at Pretoria were but slight, they were not altogether hopeless. This encouraged them to leave that same afternoon at a quarter to five by special train to Pretoria, where they arrived the following morning—Wednesday—at seven o'clock. From the station they were escorted by various officials and friends to the Transvaal Hotel, where rooms had been engaged for them as guests of the State. Even before they had taken breakfast they had an audience with President Kruger. On the invitation of His Honour they accompanied Mr. Fischer to three meetings of the Executive Council—two on Wednesday, and one on Thursday. They had the opportunity, too, of meeting the greater part of the Volksraad members, and of conversing with them. What occurred on this occasion is, of course, private, and not for publication. But judging from the differences between the Concept Bill on the franchise which the Transvaal Government submitted to the Volksraad shortly after President Kruger's return from the Bloemfontein Conference and the proposals submitted to and agreed upon by the Raad after the arrival of Messrs. Hofmeyr and Herholdt at Pretoria, the Concept Law has been amended in several points, of which the most important, although not all, can be brought under the following heads :—

1. Amongst the most important alterations of the Concept Law the Uitlander could not obtain full burgher rights and voting rights until after five years after he had been naturalised and had taken the oath of allegiance to the Republic. By taking this oath he ceased to remain a citizen of his country, but he did not yet obtain the full right of voting in the Transvaal. At least, he could not vote for the election of members of the First Volksraad, for the election of President, and Commandant General. By the new proposals the choice is left to him whether to take the oath two years after his application for naturalisation, by this method gaining partial voting rights, or of taking the oath seven years after application, and getting at once the full franchise.

2. Those who have entered the country before the time when the law becomes in force can, under these new proposals, become fully enfranchised citizens nine years after their settlement in the State, or otherwise five years after the passing of the new law, provided that in this last case there should be an interval of seven years between their settling in the country and their naturalisation as burghers. That is to say, each can choose the class which is the most profitable for him.

3. Those who enter the State, and desire to become naturalized, after the passing of the Bill, must give written notice to the Field-cornet on the date they fix upon of their intention of doing so, and can gain full burgher and voting rights seven years afterwards. The Field-cornet is bound, however, first to send such applications for publication in the *Staats-courant*, and such publication will be sufficient proof that the application has been properly made, even in case the books of the Field-cornet be lost, and there be no other proof.

Continual residence means domicile.

4. The new proposals make clear that the applicant does not lose his right of becoming a burgher, even in case the period of residence required of him be broken by his temporary absence from the country, as long as he has but kept his domicile in the country.

5. The clause in the old Concept Law requiring that the applicant will have to furnish proof that he has been satisfactorily registered as citizen and voter in his own country—something most difficult for many persons, if not impossible—has been entirely erased.

6. The old draft law gave the unqualified and unlimited right of granting letters of naturalisation to the Government even in cases outside the requirements of the law. Under the new proposals the Government can only exercise that power in favour of persons who occupy some position in the State, or who have rendered some service to the country, or who have in some way or other made themselves deserving of reward by the country.

7. By the old draft law all those who had been sentenced (all those who had a "dishonouring sentence" against them) were excluded from naturalisation. This undesirable title will be robbed of its elasticity by a definite explanation and table of all sentences which may be regarded as dishonouring.

8. By the old Concept Law all applicants had to submit a certificate from a Field-cornet or Landdrost that they had been registered at least two years before the desired naturalisation, upon the lists of the Field-cornetcy, that they had all that time been resident within the State, and during that time been faithful to the laws and independence of the State. But under the new proposals they will, in case the Field-cornet or Landdrost are not able through their own knowledge to grant such a certificate, be freed by their own declaration under oath, and by the additional declaration of four full burghers under oath, of their time of domiciliation, and their loyalty to the laws and independence, without anything about their registration on the lists of the Field-cornets. This last declaration will be of use to thousands of Uitlanders who have never been registered.

9. At Bloemfontein, President Kruger only proposed to give three new Raad members to the Gold fields. Under the new proposals the number is increased by one.

There are also other points, of lesser importance, wherein alterations and emendations have been made. We further believe that the regulations concerning loyalty to the laws and independence will not be enforced with too great retrospective power.

How far these alterations are owing to Messrs. Fischer, Hofmeyr, and Herholdt we will not discuss. But each impartial reader will admit that they are important and embracing much.

On Thursday afternoon (the 5th inst.) the Cape representatives had finished their work as far as they could do so, and had their hands free to pay visits and look about them.

Mr. Hofmeyr, courteously escorted by General Joubert, visited the Daspoort fort, about an hour's distance from Pretoria, and had opportunity of admiring the strength of the position, the solidity of the construction, and the apparently admirable discipline of the men—all young farmers from the Cape Colony, the Transvaal, and the Free State. A few trials were made with the bigger pieces of artillery, and with the machine guns and Maxims of large and small bore, all of which answered admirably.

On Friday, the 7th inst., both gentlemen left Pretoria for Johannesburg by the morning train, in company with Mr. Van Kretzmaer (South African director of the N.S.A. Railway) and Dr. Dyer. At the railway station they took leave of General Joubert, the State Secretary, Mr. Fischer, and numerous other friends. Almost everyone seemed satisfied with the expected result of their work.

At Johannesburg as big a crowd was gathered together to welcome the visitors, who drove to the Grand National Hotel, where several citizens came to welcome both gentlemen, although no notification had been previously made of their arrival. Mr. Hofmeyr then drove round the city, while Mr. Herholdt was received by a friend. Amongst other places the Exchange was visited. It happened to be "high change," and the building was filled with a few hundred of the local capitalists. A crowd speedily gathered round Mr. Hofmeyr, and three hearty cheers were given for him. He was then shown round the building, and invited to make a brief speech, but he replied that he thought it best to make no public speech just then. A toast was, however, drunk in his honour, and he briefly replied, and thereupon "Three cheers for Hofmeyr" were again heartily given. When he walked towards his carriage it appeared that a large crowd had gathered round it. When Mr. Hofmeyr stepped into his carriage a few of the people, about seven or eight, began to jeer, whereupon the better part of the crowd in the neighbourhood drowned these cries almost immediately by deafening cheers. The occurrence was but brief. The report in the Chartered press that Mr. Hofmeyr had a bad reception and was forced to take shelter in the office of the British Vice-Consul is quite untrue. Mr. Hofmeyr was never in the above-mentioned office. At the Rand Club a private lunch was given, at which Mr. Herholdt could not be present, as he had to be elsewhere.

After the lunch some interesting speeches were made by several private citizens of Johannesburg, in the course of which it appeared that there is a strong, though silent, Uitlander party in the gold city, which, although desiring reforms, does not follow those ultra men who stick at nothing, not even the most warlike preparations. This moderate party appears, in the matter of the franchise, to be satisfied with these newly-acquired concessions, and will no doubt make itself heard very soon. In the afternoon a reception was held at the Grand National Hotel. For more than an hour there was an uninterrupted stream of visitors, the majority Africanders, but many Uitlanders. Most of them seemed pleased with Mr. Hofmeyr's visit to Pretoria, and with what they looked upon as the concessions gained by him and his colleague. Mr. Hofmeyr agreed that the Transvaal had conceded much, but he added more than once, "Do not be over sanguine. We are not yet out of the wood."

Shortly after three o'clock the train by which Messrs. Hofmeyr and Herholdt were to leave Bloemfontein was timed to start. Long before that time, however, the station was crowded with several hundred persons, many ladies being amongst the number, who came to wish the departing guests a pleasant journey. Cheer after cheer was given when the train steamed out of the station. Yet the travellers had not finished with the Rand. Messrs. Hofmeyr and Herholdt had decisively declined invitations to public dinners and meetings, &c., at Pretoria as well as at Johannesburg, and both were of opinion that they were now out of reach of such public temptations. But it soon appeared that they had reckoned without their host.

When the train halted at Elandsfontein, the station just before Germiston, one of the outlying suburbs of Johannesburg, a large crowd was observed gathered together on the platform. A few gentlemen came forward and requested Mr. Hofmeyr to alight for a few minutes, as the train would delay for a considerable time. They thereupon presented Mr. Hofmeyr with an address "as a mark of respect and love," thanking him for his services on behalf of South Africa. Mr. Hofmeyr, in replying, said that if he paused to answer the address they had so kindly presented to him in a fitting manner, he would be left with an address but with no train to continue his journey. (Laughter.) He would, therefore, be as brief as possible. It was a pleasure for him, especially at a time like this, to meet in the Transvaal friends and men who sympathised with him in his endeavours. He was afraid, however, that they made too much of his services in the past, and, moreover, he was afraid that they expected too much of him and his colleague. Whatever the future might hold in store, he could assure them that their expression of sympathy with him would be held dear by him.

Messrs. Herholdt and Hofmeyr thereupon shook hands with many ladies and gentlemen, and departed amidst cheers and the waving of handkerchiefs.

Saturday morning, shortly after four o'clock, Bloemfontein was again reached. At eight o'clock the visitors were received by President Steyn and his private secretary. Breakfast was laid at the Presidency, after which a few hours were passed in visiting friends. Then the President honoured both gentlemen by lunching with them in their carriage, and accompanying them to the first station, Vaalbank, where he and his brother, who was with him, took their leave.

Yesterday, at 7.45 a.m., Messrs. Hofmeyr and Herholdt arrived by ordinary train at Cape Town.

In conversation with them, they assured us that they regarded the new arrangement as just and reasonable, not only as regards the shortening of the period, but also, and still more, as regards the more liberal conditions under which the Uitlanders will be granted the franchise in the Transvaal. They had, as far as possible, kept in view the memoranda submitted by His Excellency the Governor at the recent Bloemfontein Conference, and, although they had not gained everything therein desired, they were of opinion that they had come so close to it that the pressure for war, because of the difference between His Excellency's proposal and the new arrangement, is still more to be condemned than before. Everywhere, both in the Transvaal and in the Free State, they noticed an earnest desire for peace, even at the cost of important concessions. But at the same time it seemed to them that many despaired of peace, under the impression that a small influential party amongst the Uitlanders would not be satisfied with anything except war or the country. But the Transvaalers would never give up their land or accept conditions which they regarded as tantamount to doing so. They had no illusion as to the result of a possible war. They did not expect, either, that Colonial Africanders, in spite of their British allegiance, would take up arms in numbers and support the Republic in case of war. But they deemed it better and more honourable to risk life and property in a serious struggle than to hand over in a cowardly and abject manner the independence of their land. Both gentlemen praised the energy of Mr. Fischer on behalf of an honourable peace, and acknowledged the hospitality which they had experienced at Pretoria as well as at Bloemfontein.

The charge that President Kruger and the Government propose to grant four new members to the Gold fields, but are intending to neutralise that gift by flooding the Raads with a number of new members for old districts, is, in the opinion of both gentlemen, groundless. The four members for the Gold fields are granted by the President and Executive under an act already in force authorising them to provide for the representation of the mines. The Volksraad will not this year grant any new members to old districts, nor will it form new electorates. The question of the formation of new electorates and representation is, however, an old one, and has already been this year before the Volksraad on account of numerous petitions, and has been submitted to the people. The case is thus temporarily disposed of, and cannot come up again before next year. But should it then crop up, and nothing be done to it, not only Messrs. Hofmeyr and Herholdt, but also Mr. Fischer, have the assurance of almost all the members of the Executive that the subject of redistribution or the increase of the Volksraad will be treated as a general one, and the mining centres will have due consideration, especially in the light gained from the working of the present reformed scheme. Mr. Hofmeyr thinks that two points are of importance in this question. When the case again comes before the Volksraad the miners will themselves have a lot to say about it through their old and new members, and a part of Zoutpansberg is spoken of as a new electorate—a part where the Uitlanders are so strong that they will very likely have a decisive vote in the election. Much depends on the manner in which the Uitlanders make use of their new concessions. Many are of opinion that should they unanimously register themselves they will have, within a few years, not only a fifth part of the Volksraad (as desired by His Excellency) but fully a third in their power. Not only at Witwatersrand, but also at Lydenburg, Klerksdorp, Potchefstroom, Pretoria, Zoutpansberg, &c., the Uitlanders are strong, and if the "Progressives" form central committees in the Transvaal no first-class prophet is needed to be able to forecast that they will very shortly have the larger part of the poor voters under their influence, and that by this means the Uitlander movement will gain a vast deal. It should not be lost sight of that every white man, born in the Republic, is a voter from his 16th year. That is not even manhood suffrage. It should also not be lost sight of that by the new proposals all sons of naturalized Uitlanders, sons who have not even been born in the country, gain the same power as their fathers when they reach their 16th year, while all sons of those not naturalised can register themselves on attaining the age of 16 and attain the full franchise on reaching their majority. These regulations, too, will speedily strengthen the Uitlander element with a mass of votes.

Enclosure 9 in No. 16.

DRAFT LAW No. , 1899.

Whereas it has appeared desirable to amend certain provisions of the law with regard to naturalisation and the obtaining of the full franchise so that the obtaining of the full franchise shall be simplified. Whereas such desirability is urgent and publication in terms of Article 12 (?) of the Grondwet is not possible, it is hereby enacted as follows :—

Article 1. Save where in this or in any other law an exception or other provision shall be made, every white male person who has attained the age of 16 years, and who has settled himself in the South African Republic, may obtain letters of naturalisation, subject to his having previously fulfilled the following conditions and stipulations :—

(*a*) The applicant shall produce a certificate from the Field Cornet and Landdrost of his ward and district showing that he was continually registered on the Field Cornet's lists during the period required in his case; that he

was domiciled during that period within the South African Republic, and has during that time conducted himself faithfully and obediently to the laws, and faithfully to the independence of the country.

Where the Field Cornet and Landdrost are not in a position from their own personal knowledge to issue such certificate, they shall do so on the sworn declarations of the applicant and at least four well known fully-enfranchised burghers of the ward and district, to the effect that the applicant was resident in the South African Republic during the required time, and has been obedient to the laws, and faithful to the independence.

(*b*) The applicant shall produce proof that he has, during the period required for naturalisation in his case, delivered a written notice to the Field Cornet of his ward to the effect that he intended to have himself naturalised in terms of this law. For this proof it will be sufficient to produce a copy of the *Staats Courant* wherein the publication of such notice appeared. In case the applicant falls under the provisions of Article 4 of this law, and he has not within six months after the coming into operation of this law become entitled to the full franchise, he shall produce proof that within six months after such coming into operation he has given such notice. In default of handing in such notice, the applicant shall not be entitled to the full franchise in terms of the said Article, but only in terms of Article 2 or 3.

(*c*) The applicant shall hand in a sworn declaration from himself to the effect that he has had no dishonouring sentence against him, and further proof of good conduct. By a dishonouring sentence shall be understood, &c., &c., &c.

(*d*) The applicant shall adduce proof that he possesses unencumbered fixed property to an amount of £150, or pays house rent to an amount of £50 per annum, or draws a salary of £100 a year.

(*e*) The person who is to be naturalised shall take the following oath, whereby he shall be deemed and regarded to abandon and waive all burgher rights enjoyed in, and burgher obligations and submission due to, any Sovereign or State :—

"I swear (or I solemnly declare that the taking of an oath is not permitted by my religious conviction) and promise solemnly in all uprightness, and in terms of law of 1899, with which I declare that I am acquainted, that I shall be faithful to this State, shall respect and support its independence, shall subject myself to the Grondwet and other laws, and the lawful authorities of the land, and shall in all respects conduct myself as becomes a faithful burgher of the State, so truly help me, God Almighty (or that I promise solemnly)."

Before a person is admitted to the full franchise he shall in each case at the time of making application therefor, in addition to complying with the other obligations required by this law, again hand in proof that he has fulfilled the conditions and stipulations hereinbefore mentioned under (*a*), (*b*), (*c*), and (*d*).

No one shall be entitled or allowed to receive letters of naturalisation or full franchise unless he has previously complied with the said conditions, except in the case where this law expressly makes other provisions.

Article 2. Every person who fixes his residence within the South African Republic may, after the lapse of two years from time of the handing in to the Field Cornet of the notice of his intention to be naturalised, have himself naturalised, and may, five years after naturalisation, obtain the full franchise.

Article 3. Every person who fixes his residence within the South African Republic may, after the lapse of seven years from time of the handing in to the Field Cornet of the notice of his intention to be naturalised, obtain letters of naturalisation with the full franchise, upon complying with the conditions of Article 2 (?).

Article 4. Every person who has fixed his residence in the South African Republic before the coming into operation of this law, and who is not already naturalised, may, on complying with the conditions of Article 1, obtain letters of naturalisation, with the full franchise, nine years after such residence, or five years after the coming into operation of this law, provided the term of not less than seven years shall have elapsed since such residence commenced.

If he has already been naturalised at the time of the coming into operation of this law. he mav obtain such letters of naturalisation with the full franchise five years after the date of such naturalisation.

Article 5. Nothing in this law contained shall prevent the Government from issuing letters of naturalisation with the full franchise to persons who occupy an office in the

service of the country, or who have rendered services to the country, or who have been in any other respect well deserving towards the country, although so far as they are concerned the requirements of this law have not been complied with, subject to their taking the oath in terms of Article 1.

Article 6. Youths not born in this State, and whose fathers obtain letters of naturalisation or the full franchise here before their sixteenth year, have the same franchise as their fathers.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may have themselves naturalised at their sixteenth year by taking the oath mentioned in Article 1, and may five years thereafter obtain the full franchise on complying with the conditions mentioned under Article 1, sub-sections (*a*) and (*c*).

Article 7. The application for naturalisation and the full franchise shall be sent by the Field-Cornet, through the medium of the Landdrost, together with the necessary proofs, to the State Secretary, and be referred by the latter to the State Attorney, who returns the documents with his advice to the State Secretary. If, in accordance with the advice of the State Attorney, there is no legal difficulty against the issuing of letters of naturalisation or full franchise, then these shall be granted, if also the State Secretary has no legal objection. The letters of naturalisation and full franchise must be signed by the State Secretary and the State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be issued by the official appointed for the purpose, and through the latter the required oath of naturalisation must be taken.

The letters of naturalisation shall bear a stamp of £2 ; the letters of full franchise shall be issued free of charge.

Article 8. No one who is not considered as belonging to the white population of the South African Republic can obtain the franchise, in terms of Article 9 of the Grondwet.

Article 9. From the provisions of this law are excepted the persons falling under the provisions of sub-section 1 of Article 1 of Law 3 of 1894.

Article 10. All laws and stipulations in conflict with this law are hereby repealed.

Article 11. This law comes into operation

No. 17.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.40 p.m., July 31, 1899.)

TELEGRAM.

[*Answered by No.* 19.]

31st July. No. 1. I now authorize you to invite President Kruger to appoint Delegates to discuss with ours question whether reforms, which Volksraad has passed, will give immediate and substantial representation of Uitlanders, and if not, what additions and alterations will be necessary in order to secure this result. If invitation is accepted, our Delegates would not be precluded from raising any point calculated to improve measure; and you will instruct them to press for early report, which on the points mentioned ought not to be difficult.

No. 18.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.25 p.m., August 1, 1899.)

TELEGRAM.

1st August. No. 1. My telegram of 31st July.* We must confine proposed joint inquiry, in the manner suggested in that telegram, to question of political representation of Uitlanders. You should, however, let President Kruger know through Greene that you will be ready, after conclusion of inquiry, to discuss with him, not only the report of the inquiry and the franchise question, but other matters as well, including arbitration without introduction of foreign element.

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* No. 17.

No. 19.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 8 a.m., August 2, 1899.)

Telegram.

1st August. No. 1. Referring to your telegram of 31st July, No. 1,* I have instructed British Agent to give following communication to Government South African Republic from me:—

Begins: Her Majesty's Government authorize me to invite President South African Republic to appoint delegates to discuss with delegates to be appointed by me on behalf of Her Majesty's Government, whether Uitlander population will be given immediate and substantial representation by franchise law recently passed by Volksraad, together with other measures connected with it, such as increase of seats, and, if not, what additions or alterations may be necessary to secure that result. In this discussion it should be understood that the delegates of Her Majesty's Government would be free to make any suggestions calculated to improve measures in question and secure their attaining the end desired. Personally I wish to add the expression of my earnest hope that Government South African Republic may accept this proposal, and that we may proceed to discuss the composition of the proposed Commission, method of procedure, and place of meeting, at once. Government of South African Republic will, I feel sure, agree with me that, if proposal of Her Majesty's Government is accepted, the inquiry should be held as soon as possible. *Ends.*

Your message, which was evidently not intended to be given verbatim, was thus slightly altered by me, in order to make sure that inquiry should extend to whole group of measures affecting Uitlanders' representation. Increase of seats is settled by Executive Council, and does not come before Volksraad. It will also be necessary that inquiry should embrace registration law and any alteration in method of electing President and Commandant-General that may be proposed.

No. 20.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 2.38 p.m., August 4, 1899.)

Telegram.

[*Answered by No.* 21.]

4th August. No. 1. British Agent telegraphs as follows:—

Begins: Two points on which State Secretary asks for information:

(1) Are Government South African Republic to consider as one proposition the two messages conveyed in your telegrams of 1st and 2nd August respecting joint inquiry and a further possible Conference?

(2) Do the words "arbitration without the introduction of foreign element" mean arbitration from which a foreign Power or any foreigner is excluded, or arbitration on matters foreign to other matters which the message refers to?

I have told him that in my opinion:

(1) The two messages are to be taken as one proposition, and

(2) The correct interpretation of the words respecting arbitration is the first one.

Please say if this is so. *Ends.*

Following are the two messages referred to:—

(1.) The communication which was quoted in my telegram of 1st August, No. 1.† This had been sent to British Agent before I received your telegram of 1st August, No. 1;‡ and

(2.) The message contained in the latter.

Answer of British Agent is correct on both points I think.

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* No. 17. † No. 19. ‡ No. 18.

No. 21.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.45 p.m., August 5, 1899.)

TELEGRAM.

5th August. No. 6. Your telegram of 4th August, No. 1.* Answer of British Agent is correct on both points referred to.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR, Government House, Cape Town, July 19, 1899.

I HAVE the honour to transmit, for your information, a copy of a letter from the Secretary of the Cape Town Branch of the Afrikander Bond, enclosing resolutions on the subject of the position in the South African Republic, passed at a meeting of that body on the 12th instant.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 22.

From the AFRICANDER BOND, Cape Town Branch, to the IMPERIAL SECRETARY, Cape Town.

SIR, "Ons Land" Office, Burg Street, Cape Town, July 17, 1899.

I HAVE the honour of enclosing herewith copies of resolutions unanimously adopted at a meeting of the Cape Town Branch of the Africander Bond, held on the 12th instant, the Hon. J. H. Hofmeyr presiding, with the humble request that it may please His Excellency to communicate the same to Her Majesty's Government.

I have, &c.,
D. J. DE VILLIERS,
Hon. Secretary.

G. V. Fiddes, Esq.,
Imperial Secretary,
Government House, Cape Town.

Copy of Resolutions.

(Translation.)

(1) This meeting, convinced of the destructive and indelibly injurious effects upon the whole of South Africa of a war between England and the Transvaal, declares itself strongly in favour of a peaceful solution of the existing difficulties, and expresses it as its opinion that such a solution is to be found in the adoption by both parties concerned of a compromise, based on the latest proposals *re* the franchise made by the Executive Raad to the Volksraads of the South African Republic.

(2) This meeting has learnt with great pleasure that the British delegates at the Peace Conference at the Hague submitted important resolutions with the object of securing the application of the principle of arbitration in removing differences between nations and States; it hopes that the same principle will also in future, by means of legal experts, be applied in reference to disputed interpretations of the London Convention between Great Britain and the South African Republic.†

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* No. 20.

† COLONIAL OFFICE NOTE.—A large number of resolutions, nearly all in Dutch, of similar purport to the above resolutions, have been received, but are not printed. A large number of resolutions supporting the petition of British subjects for redress of grievances and the claims of the Uitlanders to representation (telegraphic reports of some of which are printed in C. 9415) have also been received but are not printed.

No. 23.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

[*Answered by No.* 31.]

SIR, Government House, Cape Town, July 19, 1899.

WITH reference to my telegram, No. 2, of the 15th instant,* I have the honour to transmit to you herewith a copy of a despatch from the Governor of Natal, enclosing a Petition to Her Majesty the Queen, in support of the recent Petition from Uitlanders in the South African Republic and of the policy of Her Majesty's Government with regard to the Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 23.

From the GOVERNOR, Natal, to the HIGH COMMISSIONER, Cape Town.

SIR, Government House, Pietermaritzburg, Natal, July 10, 1899.

I TRANSMIT a copy of a letter from Dr. James F. Allen, forwarding a petition to the Queen, signed by six thousand three hundred and thirty-six loyal Colonists of Natal, in support of the Uitlanders' Petition and of the policy of Her Majesty's Government with reference to pending questions with the Transvaal.

2. Dr. Allen informs me that, in the course of a few days, he expects to receive some hundreds more signatures to the Petition.

3. The signatures are stated to be all those of adult European males. The total adult white male population of Natal may be estimated at about ten thousand.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.,
Cape Town.

Dr. JAMES F. ALLEN to GOVERNOR.

259, Commercial Road, Pietermaritzburg, July 10, 1899.

YOUR EXCELLENCY,

I HAVE the honour to present to Your Excellency this Petition of 6,336 loyal Colonists of Natal, and most respectfully to ask you to forward it to the High Commissioner at Cape Town, for the purpose of its being laid before Her Most Gracious Majesty the Queen.

I beg to point out to Your Excellency that the signatures to this Petition are those only of adult European males, and therefore the number must represent a considerable majority of the adult male white population of Natal, which majority would, I believe, have been even still greater, but that the time the petition was open for signature was only ten days, thus making it impossible for arrangements to be made for the petition to reach distant parts of the Colony and return here in time, the petitions for several important districts not having come to hand to date.

I have, &c.,
JAMES F. ALLEN.

To His Excellency
The Honourable Sir Walter Hely-Hutchinson, G.C.M.G.;
Governor of Natal.

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* No. 53 in [C.-9415].

The Humble PETITION of British Subjects resident in British South Africa, to Her Majesty Queen Victoria.

Sheweth that:

Your Majesty's petitioners, being British subjects resident in the Colony of Natal, wish to express their sympathy with those thousands of their fellow-subjects in the Transvaal Republic whose petition Your Majesty has been graciously pleased to receive.

That men of British origin, engaged in an industry of vital concern to the prosperity of all South Africa, should labour on sufferance under unjust laws partially administered; that they should contribute nearly the whole of the revenue of the State and have no voice in its disposal; that, while themselves rigorously disarmed, they should have to watch the fruits of their labour being applied to swell the military strength of the class which holds their liberties and even their lives at its disposal: this is a position repugnant to our sentiments.

Moreover, it is a source of unrest, insecurity, and injury to business throughout Your Majesty's South African possessions.

In all these possessions the rule is absolutely Equal Rights for the Dutch-speaking and English-speaking populations; in the Transvaal Republic alone are the latter denied, not only Equal Rights, but political rights altogether.

From this contrast springs an intense race-feeling, which tends increasingly to divide and embitter all South Africa.

Your Majesty's petitioners feel that it is time that this state of things should be radically reformed; and, while yielding to none in their appreciation of the blessings of peace, are assured that only thus can peace be put on a firm foundation.

We therefore applaud the decision of Your Majesty's Government to make the reform cause their own; and trust that the present effort will not be relaxed until either the grievances are substantially redressed or the Uitlanders provided with the means of redressing them in the shape of a really effective parliamentary representation.

We express our profound confidence in Your Majesty's High Commissioner, and our conviction that any measures which Sir Alfred Milner may recommend as vindicating the legitimate influence of Great Britain and securing fair play for Uitlanders of our own and other nationalities will command a loyal support in all parts of British South Africa.

And Your Majesty's petitioners, as in duty bound, will ever pray.

No. 24.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR, Government House, Cape Town, July 19, 1899.

WITH reference to my despatch of the 28th ultimo,* I have the honour to transmit a copy of a despatch from Her Majesty's Agent at Pretoria on the subject of the endeavours made to discredit the genuineness of the signatures to the recent Petition to Her Majesty the Queen from British subjects in the South African Republic.

The further affidavits now sent appear to me to destroy the value of the only allegations of fraud in connection with the Petition which ever appeared to me at all serious.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 24.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 10, 1899.

WITH reference to certain affidavits handed in by the President of the South African Republic at the recent Conference at Bloemfontein, and subsequently printed in the Transvaal Green Book on the Conference, tending to discredit the genuineness

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* No. 4 in [C. 9404].

of the signatures of the Petition presented by 21,000 British subjects to Her Majesty the Queen, I have the honour to transmit to Your Excellency herewith a copy of a despatch* from the British Vice-Consul at Johannesburg, enclosing a letter which has been addressed to him by the President of the South African League.

Your Excellency will see that Mr. Wybergh deals in this letter with the affidavits of Reagan, Schimmelbush, and Bankier, handed in by President Kruger, and encloses affidavits in support of his contention that he is justified in saying that little or no credit should be attached to any of the affidavits against the Petition to Her Majesty.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

48, Bettelheim Buildings, Johannesburg.
July 6, 1899.

SIR,

I ENCLOSE five affidavits† on the subject of the Petition to Her Majesty, signed by 21,000 British subjects.

As you are aware, certain eleven affidavits, tending to discredit the Petition, were handed to His Excellency Sir Alfred Milner by President Kruger at the Bloemfontein Conference. These eleven affidavits I have already dealt with in a letter to His Excellency, dated June 22nd. The majority of them were either primâ facie absurd, or were absolutely refuted and discredited in the letter referred to.

There was, however, a group of affidavits by Regan, Schimmelbush, and Bankier, relating to some signatures alleged to have been forged by Bankier, with which, owing to the paucity of information then at my disposal, I was unable to deal thoroughly.

I, however, hazarded the suggestion that Bankier's affidavit was untrustworthy, and that what was originally a foolish practical joke, had, through the agency of the Secret Service, been exaggerated into a fraudulent conspiracy. In view of the five new affidavits now enclosed, I am able to shew that this is the actual fact, and further, to throw some light upon the discreditable methods adopted by Government officials and agents to obtain statements throwing doubt upon the petition.

Bankier's most serious allegation was that Porter and Eaton Lowe, two of our authorised canvassers, were privy to the fabrication of signatures.

Porter and Eaton Lowe, as already stated, have sworn affidavits to the contrary, and Bankier, in the affidavit now enclosed, expressly denies this allegation.

Bankier stated that Randall, Harrison, and Brooks assisted him in writing false signatures.

He now declares that neither Randall, Brooks, nor Harrison were present. This is also supported by the independent declarations of Randall, and indirectly by that of Harrison

Bankier made a statement that Harrison received sheets from Porter and from Eaton Lowe. As regards Eaton Lowe this statement is explicitly denied by Harrison. As regards Porter, Harrison swears that he obtained sheets from Porter, which the latter refused to accept when returned to him, as he was not satisfied that the signatures were genuine. Porter's good faith is thereby completely vindicated, and the story agrees with Porter's own statement.

It is thus apparent that the most important statements made in Bankier's first affidavit are explicitly contradicted either by himself in his second affidavit, or by the affidavits of Randall and Harrison.

Further, the statements made by Bankier in his second affidavit, shewing the means that were adopted by a Government official to obtain his signature, are sufficient not only to discredit the whole of his first affidavit, but also to cast grave doubt upon the reliability of all the other affidavits handed in by President Kruger.

I may mention that this Mr. de Villiers, before whom Bankier made his first affidavit, is the same official who appeared in the late Amphitheatre riot as a leader of the rioters.

Mr. Pitt's statement expressly denies the statements made by Nugent and De Jong

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* Not received in Colonial Office.

† The affidavits which are printed in Nos. 4 and 6 in [C.—9404] are not reprinted here.

as to the forgery committed by one "Joe Venner," at Langlaagte. The said Joe Venner, though I have been unable to question him myself, wrote of his own accord to the local press totally denying the allegations, which are also primâ facie ridiculous.

But in addition to the discreditable tactics disclosed by Bankier's second statement, Mr. Pitt swears that money was actually being offered for the purpose of obtaining false statements.

I feel, therefore, that there is no need of further comment from me, and that I am justified in saying that little or no credit should be attached to any of the affidavits against the Petition to Her Majesty.

I have, &c.,

W. WYBERGH,
President of the South African League,
Transvaal Province.

To J. Emrys Evans, Esq.,
Her Britannic Majesty's Vice-Consul,
Johannesburg.

No. 25.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR, Government House, Cape Town, 19th July, 1899.

WITH reference to my despatch of the 12th instant,* I have the honour to transmit to you copies of further correspondence with Her Majesty's Agent at Pretoria, respecting the proposed alteration in the Franchise Law of the South African Republic. I also enclose an extract† from the "Cape Argus" of the 12th instant, giving a translation of the latest draft law, which has been corrected by comparison with the Dutch text of the law.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 25.

HIGH COMMISSIONER to BRITISH AGENT, Pretoria.

TELEGRAM.

12 July. No. 1. Secretary of State wishes that Government of South African Republic should be informed that:—*Begins:*—If Government of South African Republic desire that their latest proposal with regard to franchise and increase of seats should form an element in the settlement between the two Governments, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme, and hope that the Government of the South African Republic will not proceed with it till Her Majesty's Government have had an opportunity of considering it and communicating their views. *Ends.*

Await arrival of my telegram No. 2.

Enclosure 2 in No. 25.

HIGH COMMISSIONER to BRITISH AGENT, Pretoria.

TELEGRAM.

12 July. No. 2. My telegram, No. 1. You had better see State Secretary and explain to him in delivering note to that effect, that, except from statements in newspapers and from a rough draft of a Bill left with me by Mr. Hofmeyr, and dealing only

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* No. 16. † Not reprinted.

with franchise, I have no real information as to what is now contemplated and am not in a position to inform Her Majesty's Government accurately about it. The reports in the newspapers say that it is intended to give four additional seats to Gold Fields, but no particulars are given. These statements also refer to proposals to revise the registration law and the qualifications and mode of election of the State President and Commandant-General. But there is no available information as to the nature of these contemplated changes. Moreover, the draft Bill about franchise which I have seen is incomplete in several respects.

Enclosure 3 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

12th July, 1899. No. 183. The new draft Franchise Law was laid before the Volksraad this morning. The State Attorney informs me that the complete text of the law has been cabled this morning to Dr. Leyds, who will communicate it to the Press, and that this version therefore may be accepted as perfectly accurate. The "Star" reporter here has also telegraphed a complete translation of the law to the "Cape Argus." I do not therefore propose to telegraph it to Your Excellency. The State Attorney has also been through the whole law with me this morning, and has explained its provisions to me. I am telegraphing his explanations to you. Please therefore expect further telegrams from me this afternoon on these explanations, and in reference to your telegrams 1 and 2 of to-day, which I have acted upon.—GREENE.

Enclosure 4 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

12th July, 1899. No. 184. My telegram, No. 183. Following are twelve points in new law explained or noted to me by State Attorney.

1. In Article 1 (a) the words "no crime against the independence of the Republic" have been substituted for "faithful to the independence." The object is to define the action and nor merely give a vague expression which might be construed unfavourably to an applicant for the franchise.

2. In Article 1 (a) "two" full burghers is substituted for "four."

3. In Article 1 (b) the words "dishonouring sentence" and subsequent definition thereof would only include the four principal reformers who were sentenced for high treason, but not the others, who were imprisoned and paid their fines.

4. In Article 1 (d) the oath is the same as that of the Orange Free State and as recited at Bloemfontein Conference.

5. In Article 2, the penalty to be paid by the Field Cornet is a new provision, also the publication in the "Staats Courant," which is intended to serve as a permanent reference for the Government in case of dispute arising.

6. In Article 3, there is a provision made requiring an applicant who desires at the expiration of seven years to assume naturalization and franchise to give six months' written notice of his intention to do so before the lapse of that period, and to have such application published in the "Staats Courant."

7. In Article 4, the wording of the first section is as follows:—"All who came into the Republic up to and including 1895 will have to wait nine years from the date of their entering into the country. Those who came into the Republic in the year 1896 will have to wait eight years altogether, and all who come in after and including 1897 will have to wait seven years." Thus those who came into the Republic in 1895, 1896, and 1897, will all get the franchise in 1904.

8. Section two of Article 4 has been inserted to enable the Government to know in advance how many persons propose to take advantage of the law.

9. Article 5 now limits the persons to whom special naturalisation and franchise may be granted to persons who have accepted an official position in the service of the State, or who have rendered special services such as service in time of war to the Republic.

10. By Section 2 of Article 6 children of aliens obtain the franchise under the conditions named at the age of 21.

11. In Article 7, the words "legal objection" would, in the State Attorney's opinion, entitle an applicant to apeal to the High Court against an unfavourable decision.

12. The Schedule attached to the law is in no sense an oath or a promise, but simply a statement that applicant is acquainted with the obligation under this franchise law to obey the laws and commit no crime, &c.—GREENE.

Enclosure 5 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

12th July, 1899. No. 185. In reply to your telegram of to-day's date, No. 1.

I handed Secretary of State's telegram to South African Republic's State Secretary this morning, who promised to lay it before Executive Council in the afternoon, and will give definite answer as soon as possible.

He had, before I visited him, communicated to me officially copy of Draft Law, which I found on my return home.

He said South African Republic Volksraad had not intended in any case to discuss measure in the afternoon of to-day.—GREENE.

Enclosure 6 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

12th July, 1899. No. 186. Your telegram, No. 2, of to-day's date. I am informed by State Attorney as follows:—

1. The four new seats for the Goldfields will all be for the Rand. The redistribution scheme recently passed by the Volksraad will be dropped, and possibly one new member each be given to Zoutpansberg and Pretoria. The present Volksraad of 28 members will then consist of 32 or 34 members, as the case may be, of which six will be Uitlander seats, counting Barberton as one of the latter.

2. Revision of Registration Law.

Law will be revised to prevent persons who have registered themselves in one district, going suddenly to another district and immediately claiming the right to vote there as soon as they have been registered in Field Cornet's book. The object is to prevent flooding of small Boer constituencies by Uitlanders before an impending election and outvoting old voters there, as the State Attorney says has been done in Cape Colony. The law will probably enact that no one may vote in any district but his own whose name has not been for six months in the book of new district.

3. Election of Commandant-General and State President.

There are two schemes:—First, that candidates should be nominated by the Volksraad itself; or, second, that selection should be made by electoral district, as he thought was the case in America.

The President himself is, however, (? not) in favour of any change being made, and it is possible, therefore, that things may remain as they are now.—GREENE.

Enclosure 7 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

12th July, 1899. No. 187. Referring to my telegram, No. 185, South African Republic State Secretary informs me he will answer to-morrow.—GREENE.

Enclosure 8 in No. 25.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

12th July, 1899. No. 188. I had to-day a general conversation with the State Attorney. He did not know how Executive Council would reply to request contained in the telegram from the Secretary of State, as the franchise was regarded as an internal affair by the Government of the South African Republic. Our people, I said, were pressing for a guarantee on the part of Her Majesty's Government that any franchise law passed by the Volksraad would not, as in past cases, be departed from. State Attorney said that we might rely on any law which was passed by the Volksraad being solemnly kept. He thought that Government South African Republic would not consent to admit the right of Her Majesty's Government to exact any guarantee unless we agreed to some reasonable scheme of arbitration and our relations placed upon a more friendly basis by means of an alteration of the Convention or otherwise. He did not wish to drive a Kaffir bargain, but something in return would be expected by Government of South African Republic if they were asked to meet us in such a matter as the guarantee. As regards arbitration, the Tribunal might consist of five members, who might elect their own Umpire, who might be of English or any other nationality. The present franchise proposals of Government of South African Republic represented absolutely the greatest concession that could be got from the Volksraad and could not be enlarged. He personally had tried hard for a seven years' retrospective franchise, but the Raad would not hear of it, and it was only with difficulty that the present proposals were obtained. They would, he feared, not be sufficient for the Secretary of State, but no more could be done by Government of South African Republic. He thought a serious stage had been reached, and that the irritating attitude of press was the cause of the critical situation.—Greene.

Enclosure 9 in No. 25.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

13th July, 1899. No. 189. Referring to my telegram 185, following is substance of reply of State Secretary, dated to-day.*

Note sent by post.†—Greene.

Enclosure 10 in No. 25.

High Commissioner to British Agent.

13th July. Referring to your telegram, 186, I shall be glad if you will obtain answers to the following questions from the State Attorney:—(*a*) As to franchise law, will persons obtaining full franchise enjoy from time of obtaining it all the rights of burghers, or will there be any distinction, and, if so, what between them and original burghers of full age. (*b*) As to increase of seats, (1) What does Rand District mean exactly? Does it mean present electoral district of Heidelberg and Johannesburg? (2) Will Rand District be sub-divided into four electoral districts, or will district as a whole elect four new members, and, if so, will every voter have four votes, but be able to give one only to any one candidate, or will there be cumulative voting? What is going to happen in future elections, when there will be six members for Rand? Will it be sub-divided into six districts? (3) When is it intended that election for four new members shall be held? (4) Will existing voters have right of voting for four new members then elected? (5) Will Uitlanders not in Rand district be registered voters in district in which they at present reside? (6) Will provision against voters transferring themselves from one district to another apply to old as well as new burghers? I also wish to know, (1) What is present qualification for members of First Volksraad. Will persons receiving full franchise under new law be eligible as members of First Volksraad immediately? (2) Am I right in thinking that members of First Volksraad

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* Printed in [C. 9415] No. 50.

† See page 40 of this paper.

are elected once every four years? I think you should make written note of the State Attorney's replies, and get him to agree to it as correctly representing them, so that there can be no room for future misunderstanding on the point.

Enclosure 11 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

14th July, 1899. No. 190. The whole of yesterday's afternoon sitting of the Volksraad was devoted to Article 1 of the new draft Franchise Law, on which innumerable questions were asked by members. The principal points on which opinion was divided were the clauses dealing with oath, property qualification, appeal to executive in case of failure to satisfy local officials, dishonouring sentence, personal affidavit, and affidavits of two burghers, crimes against independence of State. The debate was adjourned, Article 1 being still under consideration.—GREENE.

Enclosure 12 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 13, 1899.

On the receipt of Your Excellency's telegram of yesterday's date, on the subject of the Government draft franchise proposals, I drew up the note of which a copy is enclosed, and handed it to the State Secretary.

Mr. Reitz, on reading it, informed me that he had already sent me a copy of the draft Law.

I said it had not arrived at Her Majesty's Agency when I left home. I asked that I might be favoured with a reply to the Secretary of State's inquiry as soon as might be convenient.

Mr. Reitz said he would lay my note before the Executive Council in the afternoon.

This morning I received the note, of which a translation is enclosed, from the State Secretary in reply, from which Your Excellency will observe that the Government of the South African Republic are unable to meet the wishes of the Secretary of State further than they profess to have already done by sending me—casually, as it would appear—a copy of the Government draft Law, seeing that the matter is no longer in the hands of the Government, as the law has been referred to a Committee of the Volksraad.

On leaving the State Secretary I had a long interview with the State Attorney, in which Mr. Smuts explained to me the somewhat complicated provisions of the measure. As I have already acquainted Your Excellency by telegraph, as far as I was able to take them in, with the substance of Mr. Smuts' explanations, I will not refer to them again here.

In conclusion I have the honour to enclose a copy of the note which was addressed to me yesterday by the Under-Secretary of State for Foreign Affairs, and which I found on my return home, transmitting to me a copy of the draft Law in question.

In forwarding the note, I would draw Your Excellency's attention to the fact that this communication has apparently only been made to me "in consequence of the great interest which I take in the question of the franchise in this Republic."

A translation of the Law from the "Press" newspaper is also annexed.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 12, 1899.

I HAVE the honour to state to you, by direction of the High Commissioner, that the Secretary of State has informed him by telegraph that if the Government of the South African Republic desire that their latest proposal with regard to the franchise and an increase of seats in the Volksraad should form an element in the settlement

between Her Majesty's Government and the Government of the South African Republic, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme, and hope that the Government of the South African Republic will not proceed with it until Her Majesty's Government have had an opportunity of considering it, and of communicating their views.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
July 12, 1899.

SIR,

SEEING that so much interest is taken by you in the question of the Franchise in this Republic, I have the honour to transmit to you herewith a copy of the Draft Law on Naturalisation and full Franchise, as now submitted by a Commission and laid before the First Volksraad for consideration.

I have, &c.,
P. GROBLER,
Under Secretary of State for Foreign Affairs.

Conyngham Greene, Esq., C.B.,
British Agent.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
July 13, 1899.

SIR,

I HAVE the honour to acknowledge the receipt of your Note of the 12th instant on the subject of the Franchise proposals of this Government.

In reply thereto I desire to draw your attention to the fact that, even before I had received your Note, the Under Secretary of State for Foreign Affairs had sent you the Draft Law on Naturalisation and Franchise, as drawn up by the Volksraad Commission, with reference to the published Draft of the proposals of the Government, and thereby had in part given effect to the request of the Secretary of State. This Government would gladly have wished to go further to meet the request of the Secretary of State, and thereby to ensure the friendly relations between the two Governments. His Excellency the High Commissioner will remember that it was precisely the proposal of His Honour the State President at Bloemfontein, as expressed in his Memorandum of the 5th of June, 1899, that both the parties represented at the Conference should continue to work in the spirit of that Conference, so that their labours there might not remain vain and fruitless. The answer of His Excellency thereto was a distinct refusal. He said that if the President were disposed to lay his scheme respecting the Franchise before the Volksraad, he did not wish to dissuade the President from doing so, but that he must do so of his own accord and not as a part of an understanding with Her Majesty's Government. "This Conference," added His Excellency, "is entirely at an end, and there is no obligation on the one side or the other arising therefrom."

By these words of His Excellency this Government was obliged to treat its proposal respecting the Franchise of its own accord and not as a part of an understanding with Her Majesty's Government.

This Government did so, but has availed itself in many important respects of the valuable friendly counsels given by His Excellency at Bloemfontein, as His Excellency will observe from the Draft Law communicated to you. This Government may add that under the circumstances it has done its very best to bring its proposals, as far as possible, into harmony with that of His Excellency, and the result, as set forth in the Draft Law, indicates the farthest point at which the people and the Volksraad of the Republic have been able to arrive, and differs only in details from what was put forward by His Excellency.

Since this new Draft Law has been drawn up by a Commission of the Volksraad, and that Commission has already handed in its report to the Volksraad, the whole matter is out of the hands of the Government, and it is therefore no longer possible for this Government to further satisfy the request of the Secretary of State.

In conclusion, this Government desires to express its satisfaction at the spirit of rapprochement (toenadering) which appears from your communication; on its part it desires to say that it wishes for nothing more fervently than that by means of a friendly and fair settlement a termination may be made to the condition of tension that now prevails in South Africa with such a demoralizing effect. In this spirit the State President of this Republic went to Bloemfontein; in this spirit were his last words at that Conference, and in this spirit this Government will endeavour to work forward, and will always be ready to take into serious consideration any friendly counsels from Her Majesty's Government.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent.

("PRESS," JULY 13, 1899.)

THE SITUATION.

NEW FRANCHISE LAW.

FULL TEXT.

The following is the full text of the new Franchise Law, which was laid on the table of the First Raad yesterday morning, and will be debated to-day :—

Whereas it has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalisation and the obtaining of the full franchise; and

Whereas these amendments will not permit of delay by being published three months beforehand in terms of Art. 12 of the Grondwet, and as they have already been accepted by the people in principle:

It is hereby enacted that :—

Art. 1.—Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalisation, provided that he fulfils the following provisions and enactments :—

(*a.*) The applicant shall produce a certificate from the Fieldcornet and the Landdrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time—required in his case—preceding the naturalisation, continually registered on the Fieldcornet's list; was during this time domiciled in the South African Republic; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well-known fully enfranchised burghers of the ward and district, declaring that the applicant has during the necessary period been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council.

If the Fieldcornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered.

(*b.*) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behaviour.

By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery.

(*c.*) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £150, or pays rent to the amount of £50 per annum, or draws a fixed salary or wage of £100 per annum, or makes an independent living by farming or cattle-breeding.

(*d.*) The person desiring to be naturalised, shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any State or ruler :—

> I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and promise), faithfully in all righteousness, and in terms of Law No. , of 1899, with which I declare to be acquainted, that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God (or that I solemnly promise).

Before a person who has already been naturalised is admitted to the full franchise, he shall, when he makes application therefor, besides fulfilling the other requirements of this Law, again produce proof of fulfilment of the provisions and enactments of Sections *a*, *b*, and *c*.

No person shall be entitled to or be allowed to obtain letters of naturalisation or full franchise unless he has fulfilled the aforementioned provisions, with the exception of cases for which this or any other Law makes special provision.

Art. 2. Each person who comes or has come to the South African Republic to stay shall, after two years, and after fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation, and shall, five years after naturalisation, be able to obtain the full franchise, provided that in both instances, six months before the expiration of the fixed period, he gives written notice of his intention to apply therefor to the State Secretary through the Fieldcornet and Landdrost of his ward and district.

The Fieldcornet shall be bound—under pain of a fine of not more than £10 in each case of neglect—to send this notice to the State Secretary through the Landdrost as soon as possible, and at the most within thirty days of the sending in thereof, for publication in the *Staatscourant* for general information, and the State Secretary shall without loss of time publish such notice three consecutive times in the *Staatscourant.*

Art. 3. Each person who comes or has come into the South African Republic to stay shall, seven years after sending in to the Fieldcornet a notice of his intention to be naturalised, in accordance with the form contained in Schedule A, be able to obtain letters of naturalisation with the full franchise on fulfilling the provisions of Art. 1.

Such notice shall be sent by the Fieldcornet to the State Secretary and be published by him, all under the same provision and punishment as set forth in the foregoing Article.

If the person desires to obtain letters of naturalisation with full franchise after seven years, he shall also, six months before the expiration of the period, give written notice to the State Secretary, the Fieldcornet, and Landdrost of his ward and district.

This notice shall also be sent to the State Secretary by the Fieldcornet, and the latter shall publish it in the *Staatscourant*, all under the same provision and punishment as set forth in Art 2.

The applicant shall then, on application for the letters of naturalisation with full franchise, further give proof that he has sent in the notice, in accordance with the form of Schedule A, mentioned in the first paragraph of this Article, for proof of which it will be sufficient to produce a copy of the *Staatscourant* in which the notice was published.

Art. 4. Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation with the full franchise nine years after his coming into the country, or five years after the coming into force of this Law, provided that in the last case a period of not less than seven years has elapsed since his coming into the country.

In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law, sent in to the Fieldcornet of his ward a written notice of his intention to become naturalised.

If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Art. 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Articles 2 and 3.

Such notice shall be sent by the Fieldcornet to the State Secretary, and the latter shall publish the same in the *Staats courant*, all under the same provisions and punishment as set forth in Article 2.

If he is naturalised when this Law comes into force, he may obtain the full franchise after five years from the date of his naturalisation, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

Art. 5. Nothing provided in this Law shall prevent the Government from granting letters of naturalisation with or without the full franchise to persons who take a position in the Service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law, provided that they take the oath in accordance with Art. 1.

Art. 6. Youths not born in the State, and whose fathers have obtained letters of naturalisation or full franchise before they (the youths) had reached the age of sixteen years, have the same franchise as their father.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may be naturalised at their sixteenth year by taking the oath mentioned in Art. 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Art. 1, Sections *a* and *b*.

Art. 7. The application for naturalisation and the full franchise must be sent with the necessary proofs to the State Secretary by the Fieldcornet, through the Landdrost, and the latter shall refer these to the State Attorney, who shall send them back to the State Secretary with his advice. If the State Secretary and the State Attorney have no legal objection to the granting of the letter of naturalisation or full franchise, then this shall be granted. If there is any objection the Executive Council shall decide.

The letters of naturalisation and full franchise shall be signed by the State Secretary and State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be granted by an official appointed for that purpose, and cause the necessary oath of naturalisation to be taken before this official.

The letters of naturalisation shall bear a stamp of £2 sterling; the granting of the full franchise to persons who are already naturalised shall be free of cost.

Art. 8. No person who is not considered as a white inhabitant of the South African Republic shall obtain the franchise, in accordance with Art. 9 of the Grondwet.

Art. 9. All laws and provisions, in so far as they are in conflict with this Law, are hereby repealed.

Art. 10. This Law comes into force

SCHEDULE A.

I at present resident at in the South African Republic, formerly resident at in . whose occupation is , desiring to reside for good in the South African Republic, hereby give notice that I, years from date, will make application for letters of naturalisation with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. , 1899, to obey the laws and commit no crime against the independence of the South African Republic.

Enclosure 13 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

14th July, 1899.—No. 192. The Volksraad to-day passed the 1st Article of the Draft Franchise Law, as printed, and the 2nd Article with slight alteration.—(GREENE.)

Enclosure 14 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

15th July, 1899. No. 194. Following are replies to questions taken in their order :—

Franchise Law : No distinction whatever.

Increase of seats :—

(1) Yes.

(2) Most probably Witwatersrand will be subdivided into four electoral districts with as nearly as possible the same electorate. If Johannesburg still remains too great, it will most probably get a second member. But possible, if Klerksdorp is sufficiently important in comparison with the others, member might be given to it instead of Heidelberg. N.B.—That there will be five members only for Witwatersrand, the sixth Goldfield's member sitting for Barberton. No cumulative vote to be allowed.

(3.) Before next ordinary session of Raad, probably therefore during January or February, but not before an opportunity has been given to the new burghers to become entitled to vote.

(4.) Yes.

(5.) Yes.

(6.) Yes.

First Volksraad :—

(1.) *See* Article 36 of Law 2 of 1896.* Answer to second clause of question is : Yes. Immediately.

(2.) Half of First Raad retire biennially, so that there is a half general election every two years.—(GREENE.)

Enclosure 15 in No. 25.

From the HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

15th July, 1899. Your telegram of to-day. I do not understand your saying there will be five members only for Rand. At present there are two, one for Johannesburg and one for Heidelberg. According to your telegram, No. 186, State-Attorney

* Article 36 is as follows :—In order to be entitled to take his seat as member of the First Volksraad, he who is lawfully elected as such must be 30 years of age and member of a Protestant church, reside in the Republic, possess immovable property therein, and must have acquired full burgher rights.

told you there were to be four new seats for the Goldfields, that they would all be for the Rand. Am I to understand that possibly one of these four will be given to Klerksdorp, thus leaving only three new seats for the Rand, or, with the two existing seats, five in all.

Enclosure 16 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

Her Majesty's Agency, Pretoria,
July 14, 1899.

SIR,

WITH reference to my despatch of yesterday's date on the subject of the Government Draft Franchise Law, I have the honour to report that the debate on the report of the Commission on the franchise proposals commenced in the Volksraad yesterday afternoon.

The whole afternoon was devoted to asking innumerable questions of the State-Attorney and of the Chairman of the Commission on the provisions of Article 1 of the Law. The debate was at last adjourned while the Article was still under consideration, but the State-Attorney informed me this morning that the Article had been just passed, as printed, by the Chamber.

On the day before, the Raad had been engaged in discussing the draft amendment to Article 16 of Law No. 3, 1894, in respect to the loss of franchise on account of a dishonouring sentence.

Reports* of these two debates from the "Press" newspaper are annexed.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Enclosure 17 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

July 16. No. 195.—In reply to your telegram of yesterday, following received from Attorney-General, South African Republic:—

Begins—Counting Heidelburg as a gold field, High Commissioner is correct in saying that the Rand will be represented by six members in first Volksraad.

I did not count Heidelburg as a gold field because part of the district vote with the gold field for all electoral purposes. If Boksburg is cut off from Heidelburg and given its own member the result may be, I do not say it will be, that, in comparison with Heidelburg, Klerksdorp will more justly be entitled to a new member of its own.

N.B.—Counting Heidelburg as a gold field, there will be seven gold fields members in a Raad of 32. Ends.—(GREENE).

Enclosure 18 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR,

Her Majesty's Agency, Pretoria, July 15, 1899.

In continuation of my despatch of yesterday's date, I have the honour to transmit to Your Excellency herewith a report* from the *Press* newspaper of to-day of the debate in the Volksraad yesterday on the Draft Franchise Law, when Article 1 was passed as printed, and Article 2 was also carried with the addition of the words "at least" before the words "after two years" and "five years after naturalisation."

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* Not reprinted.

The only features of the debate were the protest of Mr. Loveday against the inclusion of Russian Jews in the franchise, and the tall talking of Mr. Lombard and Mr. Jan de Beer about Your Excellency, the Secretary of State, and England and Englishmen generally.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Enclosure 19 in No. 25.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

July 18, 1899. No. 197. In the Volksraad this morning Article 3 of the Draft Franchise Law was passed with the insertion of the words "at least" before the words "seven years" in Clause 1, and before the words "six months" in Clause 3. Article 4 was then discussed, the President supporting a proposal for a seven years prospective and retrospective franchise. The debate on this Article is proceeding.—(GREENE.)

Enclosure 20 in No. 25.

TELEGRAM.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

July 18, 1899. No. 198.—In the Volksraad this afternoon Article 4 of Franchise Law was passed by 22 votes to 5, with the following alterations:—In Clause 1, viz., the words "at least 7" are substituted for "9," and the words from "or five years" to end of clause are deleted. Article 5 was then discussed, and four motions tabled, but no vote yet taken at adjournment.—(GREENE.)

Enclosure 21 in No. 25.

TELEGRAM.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

No. 199. July 19.—In Volksraad this morning Article 5 of Franchise Law was passed with the alteration of the word "Government" into the words "Executive Council." Article 6 was passed as printed, with the addition of the following clause:—"They can also, by giving notice according to Schedule A at 16 years, get the full franchise five years later by complying with the conditions contained in Article 1, Sections A, B, and D." The remaining Articles were passed as printed, and the Schedule annexed to the Law was under discussion at adjournment of House.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR, Government House, Cape Town, July 19, 1899.

I FEEL sure that you will appreciate the extreme difficulty under which I labour in reporting on a situation which changes daily and almost hourly, and on complicated proposals, like those of the South African Republic Government, which are subjected to radical alterations with startling frequency.

The enclosures in my despatch of 19th July,* will enable you to follow the proceedings in connection with the latest draft of the Franchise Law, which has now been under consideration for a week. That draft was framed, as you are aware, after the visit of Mr. Hofmeyr and Mr. Herholdt to Pretoria. When first introduced it differed from

* No. 25.

previous drafts in allowing an alternative to the original plan by which an alien might naturalise after two years' residence but could not receive the full franchise until five years after naturalisation—this alternative being, that the would-be burgher could defer naturalisation till the end of the seven years, and then become a full burgher at once. It further differed from the original proposal in allowing past residence to count according to a sliding scale, by which people who entered the Republic in the years 1891, 1892, 1893, 1894, could get full franchise rights after nine years, those who entered in 1895 after eight years, and those who came later after seven years. This complicated provision has, however, now been struck out, and a uniform period of seven years past residence has been adopted. These are the main novelties. As regards details, the new draft also differs in many respects from its predecessors. Some of the features of the original scheme, to which objection was taken by me at Bloemfontein, and by many other critics subsequently, have disappeared. But, on the other hand, there are new conditions attaching to the attainment of burgher rights in the present draft which are exceedingly complicated and which are very variously interpreted. As you will see from the report of the debates in the Raad, members themselves have the greatest difficulty in understanding many of the clauses of the measure. The provisions of Clause 1 were criticised with great severity by Mr. Loveday, and I am bound to say that they appear to me not only difficult of comprehension but of quite unnecessary stringency. In a case where the Fieldcornet's books are lost—and this is admittedly no uncommon case—it will often be difficult for the alien, especially in a place like Johannesburg, where the burgher population is small and lives apart from the Uitlanders, to obtain the sworn declarations of two burghers of position ("notabele burghers") as to his residence, qualification and other necessary particulars. The difficulty will be even greater where the Uitlander, as frequently happens, has spent his seven years as a prospector, engineer, &c., not continuously in one place but in a nnmber of different localities within the Republic. If the two burghers cannot certify to him there remains the appeal to the Executive Council. The Executive Council is already overworked and may be flooded with appeals. Even if the Council follows some simple and reasonable principle in deciding on cases submitted to it, the applicants may be put to delay and expense. If the Council is arbitrary or partial, there may also be many cases of injustice. It would be possible to go through the various Clauses of the Bill and point out objections of a serious character to most of them. The Bill has been riddled with criticisms in the press, many no doubt based on misunderstanding, but others, in my opinion, well-founded and calculated to raise grave doubts as to whether the measure will, in practice, be found a workable one. But in the present position of the controversy I do not think it necessary to go into all these questions. There is only one other point to which I will refer, as it appears to me specially illiberal. I mean the provision by which the seven years' residence qualifying for burgher rights runs, not from the time of a man's arrival in the country, but from the date of his giving notice of his intention to apply for such rights. Similarly, in the case of those who have been already long resident in the country, notice must be given of their intention to apply for burghership within six months of the passing of the law. Otherwise, the benefit of the retrospective provisions is wholly lost to them.

The position at the present moment is that all the articles of the draft have been passed, with the important amendment already referred to and one or two others of slight importance, and that within a day or two it will probably be law. On July 12th Her Majesty's Government requested the Government of the South African Republic to give them time "to consider the measure and communicate their views" before it was proceeded with. To this the Government of the South African Republic replied on July 13th with a polite negative, saying that "the whole matter was out of the hands of the Government, and it was no longer possible for the Government to satisfy the demands of the Secretary of State." The State Attorney informed Mr. Greene at the same time that "the present proposals represented absolutely the greatest concession that could be got from the Volksraad and could not be enlarged. He personally had tried hard for seven years' retrospective franchise but the Raad would not hear of it, and it was only with difficulty that the present proposals were obtained." This was on the 12th, but within a week the seven years' retrospective franchise had been adopted. Indeed, the statement of the absolute impossibility of obtaining more than a particular measure of enfranchisement from the Volksraad or the Burghers has been made over and over again in the history of this question—never more emphatically than by the President himself at Bloemfontein—and has been over and over again shown to be a delusion. The

pliability of both Burghers and Volksraad in the hands of the President and the Executive has been most remarkable, and it is difficult to believe that even now the Government could not, if it wished, obtain more liberal terms or introduce simpler conditions. Its refusal to consider any further suggestions from Her Majesty's Government has therefore introduced an element of difficulty into the situation, which appears to me gratuitous.

Whatever may be thought of the law in its final form, the value of the scheme of which it forms a part will depend to a great extent on the number of new seats to be created for the Rand district and of the manner in which they are distributed. This question is still unsettled, and it has undergone the same startling modifications as the proposal relating to enfranchisement. At Bloemfontein the President proposed three new seats for the Rand district. The Raad subsequently approved of a resolution to create four new seats, and fifteen others for the rest of the country. When the latest draft of the Franchise Law was introduced, we were officially informed that there were to be four for the Rand, and possibly two others outside the Rand, viz., at Pretoria and Zoutpansberg. Yesterday it was announced that there were to be five new seats for the Rand and one for a country district, viz., Zoutpansberg. These constant changes are, of course, absolutely bewildering, while the very important question in what manner the new Rand constituencies are to be carved out of the present electoral districts, is as yet quite unsettled. It remains to be seen whether the Government of the South African Republic will, in this matter, also proceed in haste and without further reference to Her Majesty's Government.

I regret that with all these uncertainties and this constantly changing character of the situation, it is not possible for me, or for any one, to estimate the result which is likely to be produced, as far as the immediate representation of the Uitlanders is concerned, by these conjoint proposals.

I have put off this despatch to the last moment, waiting for fresh changes, one of which was only definitely announced this morning. I reported, as best I could, on the effect of the latest scheme, as first introduced, in several telegrams.* Since the last of them was despatched two further changes have occurred, namely, the immediate admission of those who entered the Republic up to the middle of 1892, and the proposed addition—though this is as yet a report only—of another new seat for the Rand District. Both these, of course, tend to increase the chances of Uitlander representation. But great uncertainty still exists, in view of the complicated provisions of the franchise law, as to how many Uitlanders could fulfil the conditions for obtaining the Franchise, and still greater uncertainty as to how many will now attempt to obtain it. The one point which is constantly left out of sight in discussing the number of Uitlanders who may become burghers under this or that scheme, is the effect which the scheme, as a whole, is likely to produce upon their disposition to take up the rights and duties of burghership. Will they consider it worth while? Will they, especially those of them who possess a citizenship that they are proud of, be willing to change their allegiance? That depends in many cases upon the amount of faith they have in the fairness and practicability of the system of admission to burgher rights. That the Uitlanders, especially the British Uitlanders, will be particularly attracted by the offer now made to them—in its present form—is, I think, extremely improbable.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

No. 27.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER

SIR, Downing Street, August 9, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 4th ultimo,† enclosing a copy of correspondence with Her Majesty's Agent at Pretoria, on the subject of the proposals of the Government of the South African Republic for submitting to arbitration differences arising as to the interpretation of the London Convention.

I have, &c.,
J. CHAMBERLAIN.

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* See Nos. 48 and 50A in [C. 9415].

† No. 4.

No. 28.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, August 10, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th of July,* and to request that you will instruct Her Majesty's Agent at Pretoria to inform the Uitlander Council that I have received their declaration on the political situation.

I have, &c.,
J. CHAMBERLAIN.

No. 29.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received August 11, 1899.)

[*Answered by No.* 38.]

SIR, Government House, Pietermaritzburg, Natal, July 22, 1899.

Address, No. 13, 1899.

WITH reference to my telegram of 19th instant,† I have the honour to transmit an address from the Legislative Assembly of Natal, expressing its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured.

2. The Address was moved by Mr. Joseph Baynes, seconded by the Right Honourable Harry Escombe, and strongly supported by the Prime Minister on behalf of the Government. The Prime Minister, who has been confined to his bed for the last fortnight with a broken tendon, the result of a carriage accident, had himself carried from his bed to the House, in order to give the motion his personal support.

3. Mr. Theunis Nel, one of the Members for Umvoti County, stated that, although he thought the time rather inopportune for the introduction of the Resolution, he was not against it, and Mr. Tol Nel, his colleague, stated that he had no objection to supporting it. The Motion was then put and carried unanimously, amidst cheers.

4. Only two Members of the House were absent, one of them on account of illness; the other, Mr. F. A. R. Johnstone, signed the petition to the Queen which I recently forwarded to the High Commissioner.

5. There can be no doubt that the decision at which the House has arrived meets with the approval of the vast majority of the electorate.

6. I enclose a newspaper report of the debate, and articles‡ which have appeared in the local press on the subject.

7. A resolution, identical in terms with that passed by the Assembly, is to be proposed, on the 25th instant, in the Legislative Council, by Mr. G. M. Sutton.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure 1 in No. 29.

ADDRESS No. 13, 1899.

To His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c., &c.,

May it please Your Excellency,

The Legislative Assembly begs respectfully to transmit to Your Excellency the following Resolutions which have passed the Legislative Assembly of Natal, namely:—

(*a*) The Legislative Assembly of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour

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* No. 16. † No. 58 in [C. 9415]. ‡ Not reprinted.

to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured.

(*b*) That a respectful Address be presented to His Excellency the Governor praying that the above Resolution be forwarded to Her Majesty the Queen.

By resolution of the Legislative Assembly this 19th day of July, 1899.

J. LIEGE HULETT,
Speaker.

F. W. A. WATSON, Clerk.

Enclosure 2 in No. 29.

("THE TIMES OF NATAL," July 20, 1899.)

NATAL PARLIAMENT.

LEGISLATIVE ASSEMBLY.

WEDNESDAY AFTERNOON.

The notice of motion tabled by Mr. Baynes had the effect of attracting a considerable attendance of the general public, the large number of ladies present giving the galleries a gay appearance.

The Speaker took the chair at three o'clock.

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THE TRANSVAAL SITUATION.

The Right Hon. H. Escombe asked that the motion of the hon. member for Ixopo be taken prior to the orders. In doing so, he might mention his pleasure that the Prime Minister was in his place. (Loud cheers.)

It was agreed to take the motion first.

Mr. Baynes, who was received with cheers from the galleries and the hon. members, moved as follows:—"(*a*) The Legislative Assembly of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured. (*b*) That a respectful address be presented to His Excellency the Governor, praying that the above resolution be forwarded to Her Majesty the Queen." It had been said before, and it would bear repetition, that the man who would, by word or deed, do anything in that country to foster racial animosity, that man, be he who he might, was an enemy of that country. It was, therefore, with a full consciousness of the seriousness of the course he was pursuing that he took the action he had done, and it was with willingness to take full responsibility for that action. No one acquainted with the history of South Africa from the time of the first British occupation up to the end of the war terminating at Majuba but was aware of the numerous causes of extreme bitterness of feeling to which the Dutch residents of South Africa had to submit at the hands of the British Government. No one who knew anything of the struggle, the noble, the long-continued, and persistent struggle of the Dutch to free themselves from the yoke of the Imperial Government, a yoke which they felt so galling; no one who knew how with their wives and families they felt impelled to leave their homes, abandoning nearly all but their love of liberty; how with their wives and children they trekked out into the wilds of Africa, facing and fighting hordes of countless savages, encountering thirst and famine and wild beasts innumerable, carrying their lives in their hands, and fearlessly shedding their blood, seeking that freedom and independence they held so dear; no one with any knowledge of the hardships they endured, of the battles fought, of their blood that was spilt in their struggle for liberty, but must regard that people, the Dutch pioneers of South Africa, with the highest esteem and admiration. The history of that long struggle would be written, and would be read by their children's children with thrilling pride for centuries to come. He had said before, and he would say again, that keenly as he and all true Englishmen felt the defeat of those gallant British soldiers fighting at the command of their country at the war ending at Majuba, the Dutch then had right on their side, and it was nothing but right that right should prevail. As a result of that battle he had hoped that the British blood there shed, together with the magnanimous act of the British Government as exemplified in and by the deed of retrocession, would have sufficed to have washed away all the bitterness of the past, and evoked forgiveness for all wrongs suffered, and that the two dominant races in South Africa would thereafter live together in peace and happiness, and in process of time, by inter-marriage, by mutual esteem, and by the uniting influence of the principle of self-preservation, become one people, ennobled by the struggles and sufferings of the past, each the better for the influence of the other, forming a people and country that would become the admiration and envy of the world. Any immediate prospect of such a consummation had been hopelessly deferred and blighted by the action of the Transvaal Government in refusing the continuance of the principle of equal rights to all Europeans alike within their borders. It was because he feared that the continued refusal of those rights must sooner or later bring about a war too fearful to contemplate, a war that might, and probably would, overthrow the independence of the Transvaal Republic, that he urged upon that Assembly to unanimously adopt the motion under consideration, in the hope that such an expression of opinion made by that Assembly might receive favourable consideration by His Honour the President, the Volksraads, and the burghers of the Transvaal. Equal rights and privileges would give the only sure foundation upon which the Republic of the Transvaal could be established, and the only foundation on which the independence of the country could continue. Let these privileges be denied to Europeans now, and perpetual race hatred and strife, anarchy or tyranny, or war too dreadful to contemplate must result. With the sole purpose of endeavouring to avert such a calamity, he moved the resolution standing in his name. (Loud cheers.)

The Right Hon. H. Escombe said that the proposition of the hon. member for Ixopo Division was to

the effect that equal rights and privileges to all Europeans in South Africa would afford the best security of the peace, prosperity, and welfare of the land, and to that principle, so stated, he gave his unqualified support. In no Constitution in the world did that principle completely exist, neither under the Canadian Constitution, nor the Constitution of the Australian Commonwealth yet to be formed, nor in the Constitution of the American States, of the French Republic, or in any other country with which he was acquainted, but that the principle was accepted. The reason why it must be accepted, and it would be accepted by the unanimous vote of that Assembly, was that it afforded the bedrock on which would be founded the future Dominion of South Africa. (Hear, hear.) The motion was carefully and properly introduced by the hon. member, and in very guarded terms, without reference to those incidents which were not before that Assembly. Those incidents would not be touched upon by him until they were before them, but he ventured to say, with respect to them, that all who loved the land in which they lived and who were proud of the country from which they were sprung, were glad to recognise the change for good within comparatively the last few hours. They hoped that that change might continue, and that by mutual concessions and the exercise of statesmanship, a satisfactory conclusion might be come to, which would be consistent with the honour of those concerned. That was the fervent hope which animated South Africa at the present moment. They recognised in the events which were taking place they were approaching in the direction of a South African Dominion. Colonies were combining and consulting one another in cases of difficulty, which were the first steps towards unification. A Dominion had to be formed if only for the reason that they were in this country a white brotherhood in a black continent. There was the responsibility on the dominant races, both sprung from the same Teutonic origin, of governing the natives under their care, so as to maintain peace in their land. He did not intend to deal with any controversial matter, but he was confidently certain that Natal, which was now taking her right place in South Africa, that Natal, as one man, would accept the principle enunciated in the resolution of the hon. member for Ixopo. If that principle was accepted, a Dominion would reach from Tanganyika to the extremity of the continent, from the Indian Ocean to the Atlantic, in the same way that the Dominion of Canada was a link between two oceans. But a Constitution was not to be compelled; every State and Colony would join of its own free will, with its own Constitution unimpaired. The question had been suggested, "How could the Republic fall in with a Dominion?" When the Hon. Mr. Bryce pointed out that there was no fatal bar to Imperial union in South Africa half of the difficulty was removed. Let it be understood that union aimed at no cutting away of independence. It was a guarantee for all time that the Constitution of the component members would be maintained with the whole strength of the Dominion, under a charter which would derive its origin from one source. That Dominion must have a Parliament contributed to by representatives of the component Governments. Each Republic and each Colony would retain its charter for the purposes of its own internal affairs. When any such grave matters as peace or war arose, where the interests of all were concerned, it would be necessary for the States and Colonies to part with some of their present power, and that form of Government had been established in Canada, not only in the face of difficulties of race, but in face of the greater difficulties of creed. They had less difficulty to deal with here than had been overcome in Canada. The difficulties in Australia had been chiefly fiscal, and they, too, had been overcome. He regarded the motion as a distinctly forward step in this great movement, which from now must never be allowed to rest. They had to push it on step by step, making the most of everything which told in favour of it, and minimising all that told against it, towards a united South Africa, showing that the two strains, sprung from the one Teutonic race, could govern the world. In that connection he ventured to refer to those men sprung from the veins of the truest blood in Europe, from the Netherlands and from France, who had come to this country for liberty, and to worship in their own way and their own will. He referred to them to ask them to co-operate by all the means in their power, by helping to bear the double responsibility to bring about that result. He should be sorry if that debate passed without some expression from those members present to show at all events they were resolved as far as that Colony was concerned to do what they could to show their fitness to govern and to maintain peace and order in the land. It was a great aim. Those of them who perhaps now could only take initial steps in it might not be able to see the end of it, but the thing once begun would gather strength day by day. Men who were opposed to it would be convinced, or if not convinced, would pass beyond the region of controversy, and others would take their place, perhaps others of more moderate views. But it could not be too clearly stated that if the peace of South Africa was to be maintained, if the interests of States and Colonies had to remain unimpaired, it must be by a common invitation on the part of South Africa to form that South African Dominion. The question had been raised with respect to the flag. Natal, a small Colony, had her flag; the Cape Colony had her flag; the Orange Free State had its flag; and the South African Republic had its flag. Let them all keep their flags, and give the Dominion a flag, and that flag would be subject only to that one flag, that of the British Empire—the greatest flag in the world, which had nothing above it but the blue canopy of the heavens. (Applause.)

The Premier (Colonel Hime), who made his first appearance in the House since his accident, said that when this question was brought forward he determined to make every effort to be present, and he had put aside all personal inconvenience to give, as head of the Government of that House, his unqualified support to the motion, which had been brought forward so moderately, so ably, and with such tact by the hon. member for the Ixopo Division. (Applause.) They were under the British Empire and the British Throne, and it was because of that, and because of the policy of the British Government, that the resolution must commend itself to every member of the House, and that every one of them could support it. (Hear, hear.) What was the policy of the British Government in that matter? It was a policy of endeavouring to secure for all Europeans in South Africa equal rights and equal privileges. That had been the policy of every civilised country almost in the world. It had been the policy of Natal, it had been the policy of the Cape Colony, it had been the policy of the Orange Free State, and he hoped and trusted it might yet be the policy of the South African Republic—(applause)—and that the Government of that Republic might see, and would be convinced, that the very best means of securing the peace, the prosperity, and the independence of their country would be to adopt the policy which was set forth in the resolution, and which they were asked to support. He would be false to Natal, he would be false to the traditions of the Empire, and he would be unworthy of his position as a Minister of the Crown, if he did not on behalf of the Government which he had the honour to represent give his hearty and unqualified support to the resolution brought forward by the hon. member for the Ixopo Division. (Loud applause.)

Mr. T. J. Nel said he was not against the resolution before the House. However, he was sorry it was introduced at the present time. He thought the time was rather inopportune. Negotiations were going on to settle the differences now in the Transvaal, and he was afraid they might do more harm than good. ("Never fear.") However, he was glad to have heard the broad views expressed by the hon. member, Mr. Escombe, and also by the way the motion was introduced by the member for Ixopo. He only hoped that in future the Secretary of State would trust the Colonies and States to settle their differences in South Africa between themselves. He was certain if that was done they would always be able to settle any differences they might have without bloodshed. (Applause.)

Mr. Tol Nel said he had not had the slightest intention of speaking to the resolution before the House, but after hearing the views of the hon. member for Durban, Mr. Escombe, he was glad to be able to say he could fully sympathise with him. (Hear, hear.) He had no objection to support the resolution, but if the word "European" were to be deleted from the resolution it would undoubtedly tend to meet the grievances of British subjects in Natal who had no voice in Parliament. He had no objection in supporting the resolution. (Applause.)

The resolution was carried without a single dissentient. The majority of the members applauded, and the applause was heartily taken up by the visitors in the Speaker's and in the public galleries.

Some unimportant committee work was done, and the House adjourned at 4.15 p.m., until this afternoon at 3 o'clock.

No. 30.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 11, 1899.)

SIR, Government House, Cape Town, July 26, 1899.

With reference to my despatch of the 19th instant,* respecting the Franchise Law of the South African Republic, I have the honour to transmit to you, for your information, copies of further correspondence with Her Majesty's Agent on the subject.

You will observe that in his note of July 22nd, Mr. Reitz adheres to the position that the Government of the South African Republic cannot give Her Majesty's Government an opportunity of making its views known on the new Franchise Law, inasmuch as the First Volksraad has now "passed the law and finally fixed it."

I will not comment on the situation thus produced, as, before this despatch reaches you, Her Majesty's Government will doubtless have expressed their views and defined their attitude with regard to it. Neither will I criticise the action of the Government of the South African Republic in precipitating the final decision on this important subject, and leaving not even a day's interval for reflection and review.

The Bill, as it stands, leaves it practically in the hands of the Government of the South African Republic to enfranchise or not enfranchise the Uitlanders as it chooses. If worked in a liberal spirit, its clumsy and unreasonable provisions may be got over. But if it is to be enforced rigidly, there will be practically unlimited opportunities of excluding persons whom the Government may consider undesirable, nor does the tone of the debate in the Raad leave much doubt as to the spirit in which some at least of the authors of the Bill would like to see it worked. And the worst of it is, that should the Bill, through a literal interpretation of its complicated provisions, fail to secure the object at which it avowedly aims, no one will be able to protest against the result. The Government of the South African Republic has provided itself with a whole armoury of legal means for excluding any aliens whom it may wish to exclude, and if that course is objected to, it will be able to point triumphantly to the clauses of the law.

During the debate in the Raad one of the members—as you will see from the enclosures to my despatch of ne 19th instant*—in calling attention to the difficulties which the law would put in the way of obtaining the franchise, remarked that "it was not in the Raad's interest to lay traps and make impossibilities in the law." The following are some of these "traps" and "impossibilities" that have been pointed out to me as affecting persons already resident, though the list could probably be amplified with more exact local knowledge, and, of course, they do not exhaust the objections to the law :—

(1.) The certificate which every applicant must obtain from three different officials, as to (*a*) continuous registration and domicile, (*b*) obedience to the laws, (*c*) committing no crime against the independence of the country, is

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* No. 25.

one which these officials, even if well disposed, would be able in hardly any case to give. None of them can have any such knowledge of the Uitlander population as would enable them to give this comprehensive certificate; it is acknowledged that some of the Johannesburg lists have been lost; and the Fieldcornet has, I believe, held his present office for less than four years.

(2.) The sworn declaration of two "notabele" fully-enfranchised burghers of the ward and district, which is required where the three officials have not the necessary personal knowledge of the applicant, will be still more difficult to obtain. "Notabele" was defined by the State Attorney during the debate as meaning "something more than respectable." "Notabele" persons were those who were respectable, who were well known to the public, and who could, owing to their position and rank in society, give certificates of good conduct. It must be apparent to anyone with the slightest knowledge of the conditions obtaining at Johannesburg that it would be almost impossible for any Uitlander—especially of the artisan class—to find two persons of this description who could, even if they would, guarantee his having fulfilled, during seven years, the conditions (*b*) and (*c*) specified above.

(3.) "Continuous" registration may mean (and I cannot understand what else it could mean) registration for seven years in one ward and district; so that a person having resided and been registered in one district and subsequently removed to another would forfeit the benefit of his first period of residence. Even if this were not so, he would doubtless have to get a double set of certificates.

(4.) The provision as to no dishonouring sentence in Article 1 (B), I gather from the debate, refers to the whole of the applicant's life, and not merely to his period of residence in the South African Republic. I presume the "further proof of good conduct" must also refer to his whole life, or else it would seem to be superfluous after the provisions of Article 1 (A). What the nature of the proof is to be is not specified, but in any case the ordinary English working man might find it impossible to supply such proof, even if the expense of obtaining it were not prohibitive.

(5.) Where the Fieldcornet's books are not forthcoming, the applicant can prove by affidavits, to the satisfaction of the State Secretary and State Attorney, that he has been registered. Now, obviously, these officials could not be content with the mere affidavit of the applicant himself, nor would this be a compliance with the terms of the law, and yet, from the nature of the case, what other evidence could be forthcoming of a routine act performed many years ago, before an official who is now no longer in office?

(6.) The property qualification. (*a.*) Fixed property must be unmortgaged. Therefore, a property worth £10,000 with a mortgage of £100 on it would not qualify. (*b.*) The many well-to-do inhabitants of independent means in some of the best quarters of Johannesburg would be disqualified. The property is often leasehold (which has been held not to be "fixed" property); the house belongs to the occupant, so that he pays no "house rent"; and, living on his means, he has no fixed salary or wages. "Independent existence," in order to qualify, must be derived from agriculture or cattle breeding. (*c.*) The artisan is equally in danger of disqualification, for he must have "fixed salary or wages of £100 per year." The word "fixed" was not in the former draft law, and it might easily be held to exclude all those earning a weekly or monthly wage.

I may add that looking to the involved procedure under the law, and to the language difficulty, almost every applicant would be compelled to employ a skilled agent, and I am told that even in the most favourable cases the expense of obtaining the franchise would amount to from £10 to £20.

I have confined myself in these remarks to pointing out objectionable provisions of the law which might not be immediately obvious to persons who had not studied the question with local knowledge. I will not here again allude to objections which are apparent on the face of the law, such as making the period of seven years run from the date of the notice to apply for the franchise, the provision in Article 4 compelling certain persons to give notice within six months on pain of losing the benefit of all their previous

residence, and the power retained by the Government under Article 5 to enfranchise practically whom they please with no other stipulation than that of taking the oath. I have already called attention to these, and need only say that I adhere to my opinion that they are grave defects in the law.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 30.

From the HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

July 20th, 1899.

With reference to his note of July 13th, I desire that you should point out to State Secretary that the franchise proposal, of which at Bloemfontein I said that, if proceeded with, it must be of President's own accord and not part of any understanding with Her Majesty's Government, was one totally different from my own, and on which agreement therefore appeared impossible. Personally I regret that, as Government of South African Republic saw fit to wholly recast that proposal with the avowed intention of meeting the views of Her Majesty's Government, they have not acceded to the request of Her Majesty's Government, that opportunity should be given them to consider new scheme and communicate their views.

Enclosure 2 in No. 30.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER.

TELEGRAM.

No. 202. July 20. British Vice Consul at Johannesburg reports that Uitlander Council have telegraphed to Secretary of State expressing their disappointment at "Times" announcement as to franchise, which they fear few will accept. They say such a settlement would fail to secure recognition of principle of racial equality. The High Commissioner's five years compromise was accepted with great reluctance by Uitlanders, and they implore Secretary of State not to depart from it.

Enclosure 3 in No. 30.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 20th, 1899.

IN continuation of my despatch of the 15th instant, on the subject of the Draft Franchise Law, I have the honour to transmit to Your Excellency herewith a report* of the proceedings in the Volksraad on the 18th and 19th instant, when the remaining Articles were passed and the law itself finally carried.

The alterations were as follows :—

In Article 3 the words "at least" were inserted before the words "seven years" in Clause 1, and before the words "six months" in Clause 3.

In Article 4 the words "at least seven" were substituted for the word "nine," and the words from "or five years" to the end of the Clause were deleted.

In Article 5 the words "Executive Council" were substituted for the word "Government."

In Article 6 the following Clause was added—"They can also, by giving notice according to Schedule A, at 16 years obtain the full franchise five years later by complying with the conditions contained in Article 1, Sections *a*, *b*, and *d*."

The Schedule attached to the law was passed as printed, and it was decided that the whole law should come into force as soon as it had been published in the "Staats Courant."

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* Not reprinted.

As regards the debate, I regret that, owing to pressure of work, I am unable to do more than notice a few points.

The main alteration, the substitution of seven years for nine as the period for the retrospective franchise, was carried by no less a majority than 22 to 5.

The President's speech was mainly an apology for his departure from his original programme or programmes, and a profession that his motive for so doing was—"for the sake of honesty and righteousness." He further admonished the Raad "to be as reasonable as possible, so that, if England wants to object, her mouth might be stopped."

General Joubert, who was, I believe, the prime mover in the movement for the reduction of the retrospective period, supported the proposal warmly.

In Article 5 the substitution of the Executive Council for the Government, which consists technically of the President and State Secretary, enlarges, it is true, the number of the official body in whose hands the power of granting the special franchise is vested, but leaves the provision itself, to which great exception is taken, otherwise unrestricted.

The Schedule appended to the Law raised a good deal of discussion, the State Attorney wishing to omit the words dealing with obedience to the laws, and crimes against the independence of the country, and to confine the Schedule to a simple declaration of intention to apply for naturalisation and franchise. This was, however, rejected. The only other feature in the debate was Mr. Lombaard's attack on the Secretary of State and Her Majesty's Government.

I have the honour to annex an analysis of the Law by a legal expert, which has been published in the "Transvaal Leader" of the 18th instant.

I have, &c.,
CONYNGHAM GREENE.

His Excellency,
The High Commissioner, Cape Town.

("LEADER," July 18, 1899.)

THE DRAFT FRANCHISE LAW

EXPERT LEGAL ANALYSIS.

We present the following detailed analytical criticism of the draft Franchise Law, which is from the pen of a well-known lawyer in this city. The "coup de grace" thus administered to the Law is just in time to see it finally abandoned by the Government :—

When a Government measure is so complicated, involved, and bristling with technical and verbal difficulties as to call forth a request from the legislators, before whom it is laid, for an interpretation clause explaining what on earth the whole thing may mean, and the State Attorney has admitted the justice of the demand, it is somewhat invidious, if not, indeed, an impossible task to criticise it, and so attempt to explain what is admitted to be inexplicable. Criticism must give place to ridicule before a spectacle of the alleged representatives of the people solemnly striving to pass a law which not one of them even pretends to understand. The frantic efforts of the President and his advisers—including, of course, the Free State, the Cape Ministers, and the Afrikander Bond—to manufacture a Reform Bill which will confer in reality nothing, whilst clothed with a specious pretence of generosity, have now reached a point which would provide a very effective situation in comic opera, but which certainly makes the judicious grieve. If the measure becomes law, the very fact of the State Attorney's willingness to frame a comprehensive interpretation clause elucidating its hidden mysteries, is an admission of obscurity which would be sufficient to condemn it in the eyes of impartial critics; but containing as it does the vicious principle of class legislation, it is rendered absolutely unacceptable by the section of the public for which it is framed.

But apart from these and other considerations to which attention will be drawn later on, the law as it is now drafted is so beset and hedged around by irritating and in many respects impossible conditions, that the grant of the franchise would confer its benefits on a very small proportion of the alien population, whilst, as will presently be seen, the power is reserved to the Government of swamping the newly enfranchised by the creation of burghers from their own supporters to a practically unlimited extent.

To avoid, as far as possible, a tedious investigation of detail, let us take the law as a whole, and endeavour, if possible, to ascertain what process would have to be adopted by an alien of seven years' standing desirous of acquiring full burgher rights, and what would be his chances of acquiring them, according to the rules therein laid down. The instance of the seven year alien is selected because in his case he can obtain full burgher rights simultaneously with taking the oath of allegiance (Article 3). In other cases any white male stranger above the age of 16 can obtain letters of naturalisation after two years' residence, but it may be assumed that few would avail themselves of this privilege seeing that a period of five years' probation is required after the oath has been taken (Article 2). As, therefore, it may be taken for granted that the oath would not be submitted to before full burgher rights were obtainable, the case of the seven years' alien may be taken as affording the best example. Now these are the rules of the merry little game in which he is invited to take a hand.

Full seven years before the expiration of the period which qualifies him for the franchise he must present himself before the Fieldcornet for registration, and hand him a notification of his intention to apply for the franchise in the long hereafter, according to the form provided, which runs as follows :—

SCHEDULE A.

I , now residing at , in the South African Republic, previously residing at , in , by profession , desiring to live for good in the South African Republic, hereby give notice that I. years after date hereof, shall make application for letters of naturalisation, with the full franchise, and declare that I am acquainted with the obligation imposed upon me by Law No. , 1899, to obey the laws, and to commit no crime against the independence of the South African Republic.

He must be very particular in conforming to this rule, for from the date of this notification his period of residence is only considered to run. He must take care, too, that it is duly advertised three times in the *Staats Courant*, as he ought to be prepared with a copy in which the notice appears when he makes his application seven years later. Of course it is not his duty to see that it is inserted. That is an obligation cast on the State Secretary, but as there is no time specified within which the latter must publish the notice, and no penalty is provided in case he neglects to publish it at all, it would be advisable for the applicant to keep his eyes occasionally on the Gazette. It is true that the Fieldcornet is bound (Article 2) to forward the application within 30 days to the Landdrost under a maximum fine of £10, but if it unfortunately got mislaid in the office of the latter in the course of its journey to the State Secretary, to whom it ultimately has to be handed for publication, the unfortunate applicant would have little redress, as the penal portion of the article in no way refers to the Landdrost, who could not, according to the law, be held responsible for loss or delay.

Having seen that his notification has been properly advertised, and having carefully locked away in his desk a copy of the Gazette in which it appeared, he has nothing more to do except keep himself out of the Criminal Courts, abstain from signing petitions against the Government, or commit any other act which may be construed into a crime against the independence of the country, for the term of six and a half years, after which he will have to bestir himself.

First of all, six months before the expiration of his seven years (Article 3), he must inform the Fieldcornet that he is still of the same mind as he was six-and-a-half years ago, and desires even yet to become a burgher. This notice must be in writing, but its language and composition is not controlled by schedule, and is left to the taste or fancy of the applicant. It is to be forwarded in a similar manner by the Fieldcornet, subject to some pains and penalties, to the State Secretary who, if he receives it from the Landdrost absolved as before from the consequences of any dereliction of duty, is bound to publish it in the *Staats Courant*.

When the full term of seven years has expired, the applicant must again hunt up the Fieldcornet of his ward as well as the Landdrost of his district (Article 1) and obtain from them jointly a certificate to the following effect :—

(*a*) That he has been registered *continuously*, whatever that may mean, for seven years on the list of the Fieldcornet of his ward.
(*b*) That he has had his domicile for that period in the South African Republic.
(*c*) That during the time he has been registered he has been obedient to the laws and has committed no crime against the independence of the country.

Having obtained the signatures of the Fieldcornet and Landdrost of his ward and district, no others would be of any use to him be it understood, he must then ascertain the name and address of the Commandant of his district (Article 1), whom he, in all probability, does not know and has never seen. Him, nevertheless, he must interview, for without his signature the certificate he has been at such pains to obtain will be valueless. Having at some trouble discovered the abiding place of this official, he may, if he is lucky enough to be personally known to that exalted person, get the necessary *visé*, but more likely he will be faced with a refusal on the ground that the Commandant is unable to certify in the case of strangers, which very proper reply will necessitate a fresh start.

Then it may be remembered that the State Attorney in explaining the working of the subsection (A) for the benefit of Mr. Dieperink, stated that the intention was that the Fieldcornet should send on the certificate to the Landdrost, who in turn should refer it to the Commandant. Unfortunately, however, the law does not bear this view out, and according to the wording used it is quite open for the Fieldcornet to throw the burden of obtaining the signatures in the way indicated above. In any case, however, the result would probably be the same, one or other of the officials would decline to certify from absence of personal knowledge of the applicant ; the player would find himself in the water jump, and have to repair once more to the starting-point. It must not be forgotten, however, that a beneficent Raad has, however, in an apparent spirit of fairness, put a weapon against injustice and oppression into the hands of the applicant, for should the official mentioned refuse to issue or sign the certificate, an appeal lies to—the Executive Council ! But it may generally be taken for granted that reasons would be as plentiful as blackberries, and that grounds sufficient to satisfy the Executive Council would never be wanting to support a refusal to sign a certificate whereon that course is pursued. Rather than waste time in a fruitless appeal to the Tribunal, the applicant would probably adopt the alternative offered to him by the law, and will proceed to institute a search in his ward and district for two reputable burghers who are able and willing to supply the requisite information. Now, on the word of the State Attorney, he must not be content with the ordinary respectable man as is ordinarily understood by the term, but the burgher with whom he must provide himself must be reputable and well-known into the bargain. Who is to be the judge of the sufficiency of this particular species does not clearly appear ; possibly it may be one of those points reserved for the final judgment of the State Secretary and State Attorney in the last stage of all. It is left, like much more of the law, to the imagination.

Now, here another difficulty faces the applicant. With infinite trouble he has been able, we will suppose, to unearth two burghers who fulfil the requisite conditions, but unfortunately they have not known him a sufficiently long time to give the necessary information. He has two burgher friends,

who know all about him, living a little distance off, with whom he is intimately acquainted, and who could and would give him the certificate he requires, but unfortunately they abide in another ward, so their testimony is useless. The law is explicit on the point; the reputable burgher must be of the applicant's own ward *and* district. The Fieldcornet is adamant. He cannot take the certificate of anyone outside his own ward, so the applicant, being unable to fulfil the requirements of Article 1 subsection A. which is a condition precedent to the grant of the franchise, again finds himself in the ditch and relapses at the end of seven years into the condition of the last newcomer. But even supposing he has been able to overcome these difficulties and has obtained the necessary certificate of residence and good conduct, and has further been able to show on his own affidavit that he has not been sentenced to death for murder, or been guilty of the crimes mentioned in the Act—from which women are mercifully excluded—offences against the Gold and Liquor Laws, has produced proof to the satisfaction of the Fieldcornet, the Landdrost, and the State Secretary, that he possesses the necessary property qualification and has taken the oath of allegiance, his troubles are by no means over. He must, before he can proceed "further submit proof of good conduct" (Article 1B). Of what nature this proof is to consist, or who is to be the judge of its sufficiency, is left in obscurity. He has already tendered official recognition of his moral character as regards obedience to the laws and loyalty to the independence of the country, and has personally provided proof of not having suffered sentence of death or conviction of the crimes of a dishonouring character. So that it is difficult to imagine what fuller evidence would be required. Nevertheless, he is in the hands of the authorities, who have the right to cross-examine him on such other little details of his private life as may commend themselves, and if he does not come successfully through the ordeal, he doubtless would be again remitted to the starting post. After having fulfilled all requirements, but before he takes his oath, one last danger awaits him. All the papers respecting his application have to be sent by the Fieldcornet, through the Landdrost, to the State Secretary, who has to refer them to the State Attorney, who—it is a sort of political House that Jack Built—returns them with his advice to the State Secretary. If these two officials have any legal objection, they can refuse to grant the application, and the matter is apparently to be referred to the Executive Council; but owing, however, to the careless way in which the clause is drafted, it is by no means clear whether the reference to the Executive Council is to be regarded as imperative or discretionary. In any case, however, the Executive, as the Court of Appeal, would be unwilling to upset the opinion of the law officer of the State, so thus the decision of that official and the State Secretary may be regarded to all intents and purposes as final and conclusive. The fatal nature of the legal objections that the State Secretary may raise are, of course, not stated. The term is a very wide one, and the retention of his power would be a bogey ever present to the unfortunate alien during the whole of his seven years' probation, capable of destroying him at the very last stage of all.

The settler of nine years before the Act, for whom special facilities are provided, is in rather a worse position than the ordinary alien, seeing that he has more to lose if he fails to comply with the requirements of the Act. He is compelled to provide himself with the same certificates of registration, residence, and good conduct, and is subject to the same qualification. Naturally, if he fails in any of these respects he loses the privilege accruing from his term of residence. Again, if his nine years extend over a period of six months after the Act comes into operation, he must in addition hand the scheduled notice to the Fieldcornet before the expiration of that time; any delay or failure to do which will place him in the position of not providing the certificate necessary by Article 1A and his time will only be allowed to run from the date of his registration on the Fieldcornet's books (Article 4), in other words he will be re-united to the class of the ordinary alien.

And after all, when all these crafty pitfalls have been evaded, the obstacles overcome, and the alien becomes possessed of full franchise, what rights is he likely to acquire? Doubtless he may be under the impression that they include a vote at Presidential Elections, and so he would if the law remained as at present, but there is every reason to believe that this privilege will soon be legislated away, nor is there any certainty that the other rights, acquired with so much patience and trouble, will be capable of being retained for long. The Raad has been informed that it is the intention of Government to introduce a law dealing with Presidential Elections and registration. Consequently it is within the bounds of probability that the newly-enfranchised alien will shortly find that his rights are considerably curtailed by the one, and possibly taken completely away by the other. "This law," said the State Secretary during the discussion on Article I. to that political Rosa Dartle, Mr. Lombaard, "makes provision how to get the franchise, but does not state how people lose it; that is a question to be considered in connection with the registration law." Just so. Having piled up obstacles to prevent the acquisition of the franchise, the Government will next turn their attention to a measure by which with relative facility they can recover back the privileges they have granted.

In this connection the words of the concluding paragraph of Article 1 are ominous in the extreme. They are as follows:—

> "No one shall be entitled or allowed to obtain letters of naturalisation or the franchise, unless he shall have previously complied with the said provisions (*i.e.*, Subs. A, B, C and D), except in cases where this or any other law expressly provides otherwise."

There is a distinct intimation that subsequent enactments may considerably modify if not completely alter the condition of the Uitlander enfranchised under this remarkable piece of legislation; so that if he ever does succeed in obtaining what he obviously is not intended to get, a Volksraad besluit may at any moment sweep away the result of years of patient waiting. If any argument were required for a direct guarantee of good faith in any franchise proposals of the Government they provide it by this expression of their own intentions.

But why they should be at the pains to expose their hand by such an open confession of their ultimate designs, when they have so completely protected themselves from possible danger by the insertion of Article 5, it is difficult to understand. Indeed, in view of the peculiar reservation in their own favour, the Government might, without fear of the consequences, have opened the door much more widely to the Uitlander generally. The right with which this article invests them, of granting the franchise to any persons who in any way may have made themselves deserving to the

country, whether by service or otherwise, enables them, by a stroke of the pen, to create a counterbalancing voting power which would at any time swamp such meagre numbers of the Uitlanders who may have successfully struggled through the thorny passage of the Act. For every alien who reaches his goal in safety the Government can enfranchise two road workers, volunteers, or Sanitary assistants, and when they have exhausted this source of supply there is nothing to prevent them including in the term any imported article that may from time to time be necessary for the purpose.

Enough has been said to show the utter impracticability of the whole scheme. The worthlessness of the Government proposals, and the bad faith which underlies it. It could be pointed out how in many minor details, as, for instance, the provisions regarding alien children, and the expense that would have to be incurred in providing the necessary certificates, the proposed law is inadequate, and opposed to the principle of equal rights for all white people; but in view of the impossibility of anyone profiting by its provisions, as above pointed out, there seems no useful object to be gained in enlarging further on the absurdity of the scheme.

If the Government were sincere in their profession, and honestly desired to grant a decent measure of reform, they could do so almost in a sentence, and a short Naturalisation Act on the lines of that of the Cape Colony, coupled with a few provisions for the regulation of voters, would comprise all that is required.

In conclusion, it must not be forgotten that so far Government is silent as regards redistribution. Regarding their proposals on this most vital point we have at present no information. They have not yet disclosed their hand. No scheme of reform, however, will be acceptable to the Uitlander that does not embrace a proposal of redistribution, is not only fair in itself, but logical in the principles on which it is founded. It were best, therefore, that the Government should understand that however much they may endeavour to writhe and wriggle out of the question of the franchise, they will still find in front of them a more difficult problem that will have to be solved in a statesmanlike manner. An adequate scheme of redistribution they cannot avoid, and the sooner they bring themselves to grasp this fact the better for the independence of the country.

Enclosure 4 in No. 30.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 22, 1899.

ON the receipt of Your Excellency's telegram of the 20th instant, on the subject of the Draft Franchise proposals of the Government of the South African Republic, I addressed the Note, of which a copy is enclosed, to the State Secretary, and I have now the honour to enclose a translation of a Note which I have received from Mr. Reitz in reply, from which Your Excellency will observe that this Government regrets its inability to comply with your request that Her Majesty's Government might be granted an opportunity of communicating their views in connection with the new law, which has now been fixed and finally passed by the Volksraad.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 20, 1899.

REFERRING to your Note of the 13th instant, on the subject of the franchise proposals of the Government of the South African Republic, Sir Alfred Milner desires me to point out that the franchise proposal, referring to which His Excellency said at Bloemfontein that, if it should be proceeded with, it must be so treated of the President's own accord, and not as forming part of any understanding with Her Majesty's Government, was one entirely different from his own proposal, and one on which agreement appeared therefore to be impossible.

Sir Alfred desires me to state that personally he regrets that, as the Government of the South African Republic have seen fit to wholly recast that proposal with the avowed intention of meeting the views of Her Majesty's Government, they should not have acceded to the request of the latter that an opportunity should be afforded them of considering the new scheme, and of communicating their views with respect to it.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary

(Translation.)

Ministry for Foreign Affairs,
Pretoria, July 22nd, 1899.

SIR,

I have the honour to acknowledge the receipt of your Note of the 20th instant in regard to the new franchise proposals, with the contents of which this Government has been made acquainted.

This Government regrets that it was no longer possible for it to comply with the request of His Excellency, the High Commissioner, to grant Her Majesty's Government an opportunity to make known their views in connection with the new Law, inasmuch as, as already explained in my Note of the 13th instant, the matter was already in the hands of the First Volksraad, which body has now fixed the Law and finally passed it.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent.

No. 31.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 p.m., August 12, 1899.)

TELEGRAM.

12th August. No. 1. Referring to your despatch of 19th July,* Petition has been laid before the Queen, who was pleased to receive it graciously. Her Majesty's Government are gratified with this evidence of support from Her Majesty's subjects in Natal of their policy with regard to the redress of the grievances of the Uitlanders in South African Republic.

No. 32.

The SPEAKER of the HOUSE OF COMMONS OF CANADA to MR. CHAMBERLAIN.

(Received August 14, 1899.)

[*Answered: See No.* 39.]

Speaker's Chambers, Ottawa, July 31, 1899.

SIR,

I HAVE the honour by direction of the House of Commons of Canada to transmit herewith a certified copy of certain resolutions unanimously adopted by that House with respect to existent complications in the Transvaal Republic.

I have, &c.,
THOMAS BAIN,
Speaker.

Enclosure in No. 32.

Copy of Resolutions adopted by the House of Commons, Canada, on the 31st July, 1899.

1. Resolved, That this House has viewed with regret the complications which have arisen in the Transvaal Republic, of which Her Majesty is Suzerain, from the refusal to accord to Her Majesty's subjects now settled in that region any adequate participation in its government.

2. Resolved, That this House has learned with still greater regret that the condition of things there existing has resulted in intolerable oppression, and has produced great and dangerous excitement among several classes of Her Majesty's subjects in Her South African possessions.

3. Resolved, That this House, representing a people which has largely succeeded, by the adoption of the principle of conceding equal political rights to every portion of

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* No. 23.

the population, in harmonizing estrangements, and in producing general content with the existing system of government, desires to express its sympathy with the efforts of Her Majesty's Imperial authorities to obtain for the subjects of Her Majesty who have taken up their abode in the Transvaal such measure of justice and political recognition as may be found necessary to secure them in the full possession of equal rights and liberties.

Attest:—
JNO. GEO. BOURINOT,
Clerk of the Commons.

No. 33.

The SPEAKER of the SENATE OF CANADA to MR. CHAMBERLAIN.

(Received August 15, 1899.)

[*Answered*: *See No.* 39.]

SIR, Ottawa, August 1, 1899.

I HAVE the honour, by direction of the Senate of Canada, to transmit herewith a certified copy of certain resolutions,* unanimously adopted by that House, with respect to existent complications in the Transvaal Republic.

I have, &c.,
C. A. P. PELLETIER,
Speaker.

No. 34.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received August 18, 1899.)

[*Answered by No.* 38.]

SIR, Government House, Pietermaritzburg, Natal, July 27, 1899.

REFERRING to my despatch of 22nd July, and to my telegram of 25th July,† I transmit an address from the Legislative Council of Natal, identical with that adopted by the Legislative Assembly on 19th instant.

2. The address was moved by Mr. G. M. Sutton, seconded by Mr. D. C. Uys, and strongly supported by the Treasurer, Mr. Arbuckle.

3. The address was carried unanimously. Only one member of the Council—Mr. Labuschagne—was absent.

4. I enclose a newspaper report of the debate, and articles‡ which have appeared in the local press on the subject.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure 1 in No. 34.

Legislative Council, Natal.

Address No. 3, 1899.

To His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c.

May it please Your Excellency,

The Legislative Council begs respectfully to transmit to Your Excellency the following resolution, which was unanimously passed by the Council this day, namely:—

"The Legislative Council of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured."

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* Not printed: in identical terms with those in No. 32.
† Nos. 29 and 5 respectively. ‡ Not reprinted.

The Legislative Council respectfully prays that Your Excellency will be pleased to cause the foregoing resolution to be forwarded to Her Most Gracious Majesty the Queen.

JOHN T. POLKINGHORNE,
President.

Legislative Council, Natal,
25th July, 1899.

C. W. P. DOUGLAS DE FENZI,
Clerk of the Council.

Enclosure 2 in No. 34.

("THE TIMES OF NATAL," July 26, 1899.)

NATAL PARLIAMENT.

LEGISLATIVE COUNCIL.

TUESDAY AFTERNOON.

The Hon the President took the chair at three o'clock.

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THE TRANSVAAL SITUATION.

Hon. Mr. Sutton moved:—"(*a*) The Legislative Council of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country alone can be secured. (*b*) That a respectful address be presented to His Excellency the Governor, praying that the above resolution be forwarded to Her Majesty the Queen."

The hon. member said the resolution naturally divided itself into two parts. The first was what he might call an affirmation of sympathy with the British Government in its desire to secure equal rights and privileges for all classes of Europeans in South Africa, while the second part contained an affirmation of principle, because it expressed the opinion very plainly indeed that without such equal rights and privileges no true or lasting peace could be kept or formed in that country. The resolution had his fullest sympathy, and he had used the precise words used in the Legislative Assembly, for the reason that he did not see how he could improve upon those words, and because he also desired that the Council and the Assembly should be at one on the matter. (Applause.) It seemed to him almost impossible that any man could cavil at those statements of general principles, and particularly men who had had experience, not for one year, but for many years, in countries where equal rights and privileges prevailed for all classes of the people. He himself had had long experience of the actual working of freedom in a Republic, namely, the United States. There there were no restrictions whatever. No matter what a man's nationality might be, he received exactly the same rights and privileges as those native-born, with the single exception of the right to vote, and that he might have at the end of five years by taking the oath of allegiance. If there were grievances the whole people suffered, while if there were advantages the whole people benefited. After his experience in that Republic it seemed almost impossible for him to realise that any class of men could imagine that they could carry on the government of a nation successfully without acknowledging the principle of equal rights for all classes. Although Britain was not a republic, exactly the same conditions prevailed. The outside forms were different, but the principles were the same. This was an illustration of what he wished to press home to those who were at present with them: if they could induce the Transvaal Government to see that the only way to maintain their independence and freedom, and to have peace in the land, was by granting equal rights to all Europeans in the country. In South Africa they were faced with a difficulty that did not affect other countries. He himself would be perfectly willing to give equal rights and privileges to the coloured races, provided they were fit to undertake these priviliges; but those who lived in the country knew that the coloured races were not yet ready to undertake these responsibilities. Were those rights conferred upon them they would not know how to handle them, and they might just as well give a child of two years of age a chisel to play with, and expect that he would not cut himself, as to give these coloured people the rights and privileges of Europeans, and expect them to know how to use them. He had no narrow mind upon the subject. In his experience of eight years, when representing a constituency in this Colony, he found no difficulty in working with the Dutch when extraneous matter was not brought to bear upon them. He was afraid that in the position they found themselves to-day there had been foreign matters introduced, which had caused a certain amount of friction and trouble. Unless these extraneous influences were removed, there would be further trouble in South Africa. The two races had got to live in South Africa. He, for one, was in favour of a peaceable solution of the question. In that Council they all were. They did not want war. (Hear, hear.) They did not want trouble, and would try to avoid it by every means that lay in their power, consistent with their honour as a nation. That resolution, to his mind, provided a way of escape from the dreadful arbitrament of war. He held that the giving of equal rights and privileges in the neighbouring country to all Europeans who had not been convicted of crime, so far from being a menace to the indepencence of the South African Republic, would act exactly in the contrary direction. The United States many years ago did not contain the enormous population it now did. It was then liable to be flooded by an enormous immigration, and many of these immigrants could not even speak English; and, although they came in their thousands, they were granted full rights if they chose to accept them. This did not endanger the stability of the Republic, but strengthened the Republic, and when the time of trouble came these men were found to stand firmly by their country. History had a way of repeating itself in these matters, and he firmly believed it was an absolute truth that the moment a man took the oath and became a citizen of a country, he felt bound in honour to strengthen and support the Government of which he had become a citizen, and it was then his duty to support the independence of the country. The men who would not do that after being formally sworn to do it were not worth much. It would be presumption on his part to give, or attempt to give, advice to an independent republic such as the Transvaal, but if they could see their way to grant the Uitlanders a liberal franchise, namely, five years' residence, with the taking of

the usual oath, without any difficulties or disabilities of any kind, it would go a very long way, not only to solve the present difficulty, but to strengthen the Republic, by giving it the men and the ability it required. Every man in the Republic, particularly the older residents, felt that their independence was a very great thing, but he had yet to learn that liberality ever made a man poor; and if they would be content to share the independence they possessed on equal terms with the Uitlanders in the country, by so much would they increase the stability of their country. In his opinion, at that moment the base of their Government was too small, and they ought to widen that base by giving the franchise without restriction They would then have friends where now they had men who, if not hostile, at least suffered from a sense of grievance, trouble, and oppression. To maintain peace and prosperity in any country they must do away with these everlasting irritations and little worries. If the franchise were given on the lines he had indicated all the other difficulties would soon disappear, and the South African Republic would find they would have men only too willing to work with them to place that Republic on a firm basis, and make it what it was not at present, a true source of strength to the whole of South Africa. He looked upon the granting of equal rights and privileges as absolutely the only true solution of the question. He had failed to see any other solution of the difficulty. If there was war, then when peace came they would have the old trouble unless the people of the country were placed upon an equal footing. It was very difficult to get men who were brought up with very different ideas to look as they looked on this question: men who had been brought up to consider it right and proper for one class of the people to have rights and privileges that another class had not. It was difficult to get these men to see that the true way to strengthen their country was to grant equality. It would not be becoming of him to sit down without referring to the other side of the question. They had a people to deal with who found it difficult to march as quickly as they (the British) could. They required a certain amount of education to see things as the civilised world saw them, and so far as that was concerned they had every sympathy with them. The people at their head were, perhaps, willing to move at a quicker pace. It was thought by some, and it was easy to say, that the matter might have been settled at the recent conference at Bloemfontein, but he dared say the President of the South African Republic had his own difficulties, and they were sometimes inclined to overlook these difficulties. The President, after all, was only the head, and a captain was not very much good if his regiment refused to follow him. He did not find so much fault with the President in refusing to agree to the proposals when they were submitted to him, but if the President could see his way to give the franchise fully and unreservedly to the people who were surrounding him, and who were doing their best to make the country a great country, he believed that would be a long step to a peaceful solution of the question. The constitution of the country, he considered, should never be allowed to be altered by any mere resolution. That was one of the things in which he thought their neighbours had gone wrong. He would like to see them return to the old way, namely, allowing everything to be settled, not by a resolution, but by a law passed with all the solemnity they could place around it. He thanked the hon. member who had introduced the resolution into the Assembly for the moderation with which he had spoken. He did not forget the troubles of the pioneers of the country, and he hoped he had not gone beyond that moderation. The question of federation was bound to come up sooner or later, and he would throw it out whether it was not better to be a component part of a great country, a country that was a power in the world, than to be a small, independent State, an isolated unit. There were, of course, difficulties in the way, and, considering the long years it had taken the Colonies of Australia to come to federation, the federation of South Africa might yet be a long way off. But he trusted that some of those who were now living might yet see a federation of South Africa, with one people and one Government, with their autonomous system for the management of their own local affairs. That was the one thing they ought to look forward to, and without equal rights and privileges it was absolutely impossible. (Applause.)

The Hon. Mr. Uys, in seconding the resolution, said he agreed with much that the hon. the mover had said, but there were a few matters with which he did not agree. He fully sympathised with the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, but he was sorry to say that they possessed in South Africa a very dissatisfied community, a community that consisted of all nationalities, that would not be easily satisfied, even, he thought, with equal rights. In former times, when equal rights were granted with a view to securing the independence of the South African Republic, he was sorry to say it did not last very long, and they now again had the same dissatisfied community, a community that would be satisfied with nothing short of war, and, when war did come, would stand aloof, and try to make their pile out of the disaster of that war—a war that would be disastrous to the whole of South Africa, a war that would be bound to break down in one day that which had taken years of toil and millions of capital to build up, a war that would tend to create racial animosity in one day which would take a century to extinguish. With that community the British Government would have to be very careful in its endeavours to secure equal rights and privileges. He agreed with the hon. the mover in stating that the only way to solve the question would be to grant equal rights. Mr. Sutton had brought the franchise down to five years, and the Transvaal Government had gone down to seven years; he did not see why that seven years' franchise should not be accepted. Amongst the dissatisfied in Johannesburg there were few, he believed, who had not been seven years in the country. The British Government, in taking action, should they fail in obtaining equal rights, ought, before going to the extremity of war, to allow the South African States and Colonies to endeavour to settle the matter. He hoped the action of the British Government would not fail, and that the time was not very far distant when a thoroughly good understanding would be arrived at. (Applause.)

The Hon. the Treasurer stated that no well-balanced mind could take exception to the resolution proposed by the Hon. Mr. Sutton, based as it was on the solid foundation of equal rights and privileges for the white races in South Africa. The Government which he had the honour of representing in that Council gave the resolution its full and entire support—(applause)—being in sympathy with any steps directed towards the establishment of order and good government in South Africa. It was impossible that there could be order and prosperity in any country where discontent prevailed. To obtain contentment, the people must be governed justly, with an entire freedom from oppression actuated by selfishness. The Government sympathised with the efforts that were being made to obtain these rights. If adequate rights were granted, confidence would be restored, and trade would recover from the paralyzed condition into which it had been thrown. Natalians were, had been, and he hoped ever would continue, unswerving in their loyalty to Her Majesty the Queen and the Empire. (Applause.)

The resolution was carried unanimously.

No. 35.

High Commissioner Sir ALFRED MILNER to Mr. CHAMPERLAIN.

(Received August 18, 1899.)

Sir, Government House, Cape Town, August 2, 1899.

With reference to my despatch of the 26th ultimo,* respecting the Franchise Law of the South African Republic, I have the honour to transmit for your information, copies of further correspondence on the subject.

You will observe that the Government of the South African Republic have published a memorandum explanatory of the new Franchise Law. Both the law and the memorandum are enclosed in Mr. Greene's despatch of July 28th, but I do not propose to comment on them, further than to say that the memorandum, while it satisfactorily explains some points in the law, leaves me, with regard to others in a state of complete bewilderment. It seems, however, to be of little advantage to speculate at the present moment as to the exact effect of obscure provisions of the law. The Commission of Inquiry, which is at present under consideration, will, it is to be hoped, elucidate these matters, if it does not lead to the substitution of a simpler and more practical set of provisions.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 35.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

27th July, 1899. No. 222. In the discussion of the new Draft Grondwet, published in the "Staats Courant" of February 1st, by the Volksraad, this morning, a proposal to embody the whole new franchise law under Article 9 of that Grondwet was rejected, but a motion was carried by 15 to 12 that a clause be appended to the Article in question declaring that the period of seven years residence fixed for naturalization and full franchise must be permanently adhered to.—(Greene.)

Enclosure 2 in No. 35.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

27th July, 1899. No. 223. State Secretary has informed Press this afternoon that Executive will give one more member to the Witwatersrand Gold Fields, making, with the existing member, five, which, counting Barberton, would make the representation of mining industry six members in a Raad of 32 members. I presume district will now be divided into five electoral constituencies, and that one extra member will also be given in the second raad.—(Greene.)

Enclosure 3 in No. 35.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Sir, Her Majesty's Agency, Pretoria, July 27, 1899.

With reference to my telegram, No. 218, of to-day on the subject of the new redistribution scheme for the representation of the Gold Fields, I have the honour to

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* No. 30.

transmit to Your Excellency herewith the announcement of the decision of the Executive Council as published in the newspapers.

The new scheme, which only proposes to grant three additional members to the First Volksraad for the whole of the Witwatersrand from Krugersdorp to Boksburg, and which would thus give a total representation to the mining industry of merely five members out of a proposed enlarged Legislature of 31 members, appears to me to be so wholly inadequate as not to be worthy of serious discussion.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

P.S.—Since the above was written the Executive Council have decided to grant an extra member in each Raad to the Witwatersrand Gold Fields, and to divide the district into five electoral constituencies. The representation of the mining industry will thus be six members out of a First Volksraad of 32 members.

C. G.

July 28.

("PRESS," July 27, 1899.)

REPRESENTATION SCHEME.

DECISION OF EXECUTIVE.

By virtue of the powers conferred upon them, the Executive Council yesterday decided to give three new members in each Volksraad for the Witwatersrand Goldfields. That is to say, there are at present two members for both Raads; the number will be increased to eight, four to sit in the First and four in the Second Raad. With the De Kaap representative, there will now be five members to represent the Mining Industry in a proposed enlarged Legislature of thirty-one members.

A Commission will be appointed, consisting of the Commandants and Fieldcornets, to divide the districts between Krugersdorp and Boksburg into four electoral constituencies.

The proposal for a general redistribution scheme for the whole Republic, as suggested by the Volksraad, has been shelved *sine die*.

("PRESS," July 28.)

INCREASED REPRESENTATION

FOR THE GOLDFIELDS.

The following is the resolution passed by the Executive Council on the matter of the increased representation for the Goldfields :—

The Executive Council, having considered, &c., resolves :—

That the electoral division, Witwatersrand Goldfields, which is at present represented in the First and Second Raads by two members, shall be represented by ten members, so that the said electoral division shall be split into five electoral divisions, as proportionate as possible, each division of which shall elect two members.

The Minister of Mines, Mining Commissioners, Fieldcornets, and Commandants of this electoral division shall, in conjunction with the two members of the Raad for the electoral division, Witwatersrand Goldfields, make a proposal to the Government as to how to form divisions, so as to be able to proclaim the boundaries of each division in terms of Art. 2 of Law No. 12 of 1887.

The Executive Council further resolves to instruct the Government to investigate whether it is desirable, on account of the extension and increase of the people, to also declare other diggings as electoral divisions in terms of Law No. 12, of 1887.

Enclosure 4 in No. 35.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 28, 1899.

WITH reference to my despatch of the 27th instant enclosing the new Franchise Law (No. 3, 1899) as published in the "Staats Courant" of the 26th of July, with the explanatory memorandum of instructions to officials from the State Attorney annexed thereto, I have the honour to transmit to Your Excellency herewith, for convenience of reference, a translation of the new law as published in the "Press" newspaper.

I have also the honour to annex an opinion by Mr. E. P. Solomon, the well-known solicitor of Johannesburg, on this memorandum, in which the writer criticizes the validity of that document, and the interpretation of the law which it professes to set forth.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

("PRESS," July 26, 1899.)

NEW FRANCHISE LAW.

COMES INTO FORCE TO-DAY.

PROMULGATION IN "STAATSCOURANT."

FULL TEXT.

The following is the full text of the new Franchise Law, which comes into force to-day :—

Whereas it has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalisation and the obtaining of the full franchise; and

Whereas these amendments will not permit of delay by being published three months beforehand in terms of Art. 12 of the Grondwet, and as they have already been accepted by the people in principle;

It is hereby enacted that :—

Art. 1.—Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalisation, provided that he fulfils the following provisions and enactments :—

(*a*) The applicant shall produce a certificate from the Fieldcornet and the Landdrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time—required in his case—preceding the naturalisation, continually registered on the Fieldcornet's list; was during this time domiciled in the South African Republic; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well-known fully enfranchised burghers of the ward and district, declaring that the applicant has, during the necessary period, been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council.

If the Fieldcornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered.

) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behaviour.

By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery.

:.) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £150, or pays rent to the amount of £50 per annum, or draws a fixed salary or wage of £100 per annum, or makes an independent living by farming or cattle-breeding.

(*d.*) The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any State or ruler :—

I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and promise), faithfully in all righteousness, and in terms of Law No. , of 1899, with which I declare to be acquainted, that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God—— or that I solemnly promise.

Before a person who has already been naturalised is admitted to the full franchise, he shall, when he makes application therefor, besides fulfilling the other requirements of this Law, again produce proof of fufilment of the provisions and enactments of Sections *a*, *b* and *c*.

No person shall be entitled to or be allowed to obtain letters of naturalisation or full franchise unless he has fulfilled the aforementioned provisions, with the exception of cases for which this or any other Law makes special provision.

Art. 2.—Each person who comes or has come to the South African Republic to stay shall, after at least two years, and after fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation, and shall, at least five years after naturalisation, be able to obtain the full franchise, provided that in both instances, six months before the expiration of the fixed period, he gives written notice of his intention to apply therefor to the State Secretary through the Fieldcornet and Landdrost of his ward and district.

The Fieldcornet shall be bound—under pain of a fine of not more £10 in each case of neglect—to send this notice to the State Secretary through the Landdrost as soon as possible, and at the most within thirty days of the sending in thereof, for publication in the *Staatscourant* for general information, and the State Secretary shall without loss of time publish such notice three consecutive times in the *Staatscourant*.

Art. 3.—Each person who comes or has come into the South African Republic to stay shall, at least seven years after sending in to the Fieldcornet a notice of his intention to be naturalised, in accordance with the form contained in Schedule A, be able to obtain letters of naturalisation with the full franchise on fulfilling the provisions of Art. 1

Such notice shall be sent by the Field-cornet to the State Secretary and be published by him, all under the same provision and punishment as set forth in the foregoing Article.

If the person desires to obtain letters of naturalisation with full franchise after seven years, he shall also, at least six months before the expiration of the period, give written notice to the State Secretary, the Fieldcornet, and Landdrost of his ward and district.

This notice shall also be sent to the State Secretary by the Fieldcornet, and the latter shall publish it in the *Staatscourant*, all under the same provision and punishment as set forth in Art. 2.

The applicant shall then, on application for the letters of naturalisation with full franchise, further give proof that he has sent in the notice, in accordance with the form of Schedule A, mentioned in the first paragraph of this Article, for proof of which it will be sufficient to produce a copy of the *Staatscourant* in which the notice was published.

Art. 4. Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Art 1, be able to obtain letters of naturalisation at least seven years after his coming into the country.

In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law sent to the Fieldcornet of his ward a written notice of his intention to become naturalised.

If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Art. 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Articles 2 and 3.

Such notice shall be sent by the Fieldcornet to the State Secretary, and the latter shall publish the same in the *Staatscourant*, all under the same provisions and punishment as set forth in Article 2.

If he is naturalised when this Law comes into force, he may obtain the full franchise after five years from the date of his naturalisation, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

Art. 5. Nothing provided in this Law shall prevent the Executive Council from granting letters of naturalisation with or without the full franchise to persons who take a position in the service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law provided that they take the oath in accordance with Art. 1.

Art. 6. Youths not born in the State, and whose fathers have obtained letters of naturalisation or full franchise before they (the youth) had reached the age of sixteen years, have the same franchise as their father.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may be naturalised at their sixteenth year by taking the oath mentioned in Art. 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Art. 1, Sections *a* and *b*. They shall also, on their sixteenth year, by giving notice as contained in Schedule A, be able to obtain the full franchise five years thereafter, on fulfilment of the provisions contained in Art. 1, Sections *a*, *b*, and *d*.

Art. 7. The application for naturalisation and the full franchise must be sent with the necessary proofs to the State Secretary by the Fieldcornet, through the Landdrost, and the latter shall refer these to the State Attorney, who shall send them back to the State Secretary with his advice. If the State Secretary and State Attorney have no legal objection to the granting of the letter of naturalisation or full franchise, then this shall be granted. If there is any objection, the Executive Council shall decide.

The letters of naturalisation and full franchise shall be signed by the State Secretary and State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be granted by an official appointed for that purpose, and cause the necessary oath of naturalisation to be taken before this official.

The letters of naturalisation shall bear a stamp of £2 sterling; the granting of the full franchise to persons who are already naturalised shall be free of cost.

Art. 8. No person who is not considered as a white inhabitant of the South African Republic shall obtain the franchise, in accordance with Art. 9 of the Grondwet.

Art. 9. All laws and provisions, in so far as they are in conflict with this Law, are hereby repealed.

Art. 10. This law comes into force immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President;
F. W. REITZ,
State Secretary.

Government Buildings, Pretoria, July 26, 1899.

SCHEDULE A.

I at present resident at in the South African Republic, formerly resident at in , whose occupation is , desiring to reside for good in the South African Republic, hereby give notice that I, years from date, will make application for letters of naturalisation with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. , 1899, to obey the laws and commit no crime against the independence of the South African Republic.

("PRESS," July 29th, 1899.)

THE FRANCHISE.

INSTRUCTIONS TO OFFICIALS

EXPLAINING THE NEW LAW.

The following instructions have been issued to Landdrosts, Special Landdrosts, Mining Commissioners, Resident Justices of the Peace, and Fieldcornets, in connection with the new Franchise Law:

SIR.—Whereas Law No. 3 of 1899, dealing with the naturalisation and full franchise of the South African Republic, would give rise to much unnecessary correspondence between officials, and it is desirable to give instructions regarding the application of the Law, all officials entrusted with the carrying out of the Law are requested to carefully consider the following instructions and provisions and strictly confine themselves thereto :—

Fundamental Distinction.

1. In this Law a distinction is made between—
   (*a.*) Naturalisation without the full franchise—this is granted under the provisions of and period mentioned in Arts. 1 and 2 of the Law;
   (*b.*) The granting of the full franchise without accompanying naturalisation—this takes place when a person has already obtained naturalisation without the full franchise, and desires to obtain the full franchise after five or more years. This obtaining of the full franchise takes place under the provisions of Sections (*a*), (*b*), and (*c*) of Art. 1 of the Law;
   (*c.*) Naturalisation with the full franchise—this is granted under the provisions of and period mentioned in Arts. 3 and 4 of the Law.

In the cases thus of naturalisation with or without the full franchise, all the provisions mentioned in sections (*a*), (*b*), (*c*), and (*d*), of Art. 1 of the Law must be fulfilled, while in the granting of the full franchise only fulfilment of the provisions of sections (*a*), (*b*), and (*c*), of the said Article is required.

General Certificates and Proofs.

2. The applicant for letters of naturalisation with or withoutthe full franchise shall thus, in every case, fulfil the following points :—

(*a.*) He shall produce a certificate from his Fieldcornet, Landdrost, and Commandant, to prove his continuous registration in one or more wards, of his domicile in this Republic for the period required, of his obedience with the laws, and of his not having committed any crime against the independence of the Republic.

This certificate takes the form of Schedule A hereto attached.

N.B.—A person retains his domicile in this Republic although he is temporarily absent, so long as the intention of permanently residing here can be proved.

By obedience to the laws of the land is meant that the applicant has not purposely set himself against the laws of the land. It does not mean that he has in all cases strictly abided by the laws.

By crime against the independence of the State is meant high treason.

If the applicant has neglected to register himself, or if the Fieldcornet, Landdrost or Commandant is not acquainted with the applicant, he (the applicant) shall obtain

affidavits of two notable, that is to say, well known and respectable fully enfranchised burghers, in accordance with Schedule B, hereto attached, in which is stated that the applicant has resided in this Republic for the requisite number of years, has during that time obeyed the laws of the land and committed no crime against the independence of the country.

The applicant must also make an affidavit of identification to the effect that he is the person mentioned by the registers of the Fieldcornet, or the affidavits of the two burghers aforesaid, and that the facts mentioned in the affidavits are correct.

This takes the form of Schedule C.

On the strength of these affidavits then the Fieldcornet and other officials shall grant the necessary certificate. In cases where the applicant has neglected to register himself the Fieldcornet shall first fine him not more than £1 10*s*., register him as on the date of arrival, and then grant him the certificate (A).

(*b*.) The applicant shall make an affidavit to the effect that he has had no dishonouring sentence passed on him in this country or elsewhere ; in other words, no sentence for high treason, murder, rape, theft, fraud, perjury, or forgery (falsification).

This affidavit takes the form of Schedule C hereto attached.

(*c*.) The applicant shall give proof of good conduct, consisting of certificates from ministers or any other respectable persons to the satisfaction of the State Secretary and State Attorney.

(*d*.) The applicant shall furnish proof, consisting of his own affidavit and those of other respectable persons, or of such other proofs as the State Secretary and State Attorney may consider adequate—to show that he has unmortgaged fixed property to the value of £150, or pays house rent to the amount of £50 per annum, or has an independent existence by cattle-breeding or agriculture.

N.B.—A person has unmortgaged fixed property to the value of £150 so long as the value of the property exceeds the bond thereon by £150 or more. The salary or wage need not be fixed for a whole year. A monthly salary that shall total £100 per annum is sufficient.

(*e*.) The applicant shall take the oath of naturalisation in Schedule D, hereto attached, and sign it. This only takes place when the letters of naturalisation are granted to the applicant.

(*f*.) If the applicant applies for letters of naturalisation with the full franchise, in accordance with Arts. 3 and 4 of the Law, he shall also furnish proof (as herein later described) that he has given the necessary notice in accordance with Schedules E and F.

(*g*.) On handing in these proofs, as hereinbefore mentioned, the applicant shall deposit £2 with the Fieldcornet for the stamp to be affixed to the letter of naturalisation to be eventually granted. If this is not granted for some legal reason or other the applicant is refunded his £2.

Manner of Obtaining Letters of Naturalisation.

3. The manner in which letters of naturalisation are obtained under this law shall be as follows:—The applicant goes to the Fieldcornet with the proofs as contained in (*b*), (*c*), and (*d*) of the foregoing Article. If he is not registered in the Fieldcornet's books, or is not known to the Fieldcornet, Landdrost, or Commandant, he brings the affidavits of two notable fully enfranchised burghers, in each case his own identification-affidavit. Thereupon the Fieldcornet grants the certificate mentioned under (*a*) in the foregoing Article, and sends it to the Landdrost and Commandant for signature. The Landdrost then sends the certificate with the proofs handed in to the State Secretary, who refers them to the State Attorney for legal advice. If the State Secretary and State Attorney, or, in the highest instance, the Executive Council has no objection to the granting of the letters of naturalisation, then these are issued, signed by the State Secretary and State Attorney, and sent to the Landdrost, who gives the applicant notice as to when he must take the necessary oath and will receive the letters of naturalisation.

If the Fieldcornet, Landdrost, or Commandant refuses to grant or sign the certificate A, the applicant may send in a complaint to the Executive Council, through the State Secretary.

Naturalisation without Full Franchise.

(Art. 2 of the Law.)

4. The applicant for naturalisation without the full franchise shall hand in to the Fieldcornet the certificates mentioned in (*b*), (*c*), and (*d*) of Art. 2. He shall also prove, by handing in a copy of the *Staatscourant*, or even by giving the date of the *Staatscourant* concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Form F. If he has been registered on the Fieldcornet's books for two years or more, or if he hands in the affidavits of two notable fully enfranchised burghers to show that he has been domiciled in the Republic for at least two years, &c., and hands in his own identification affidavit, the Fieldcornet shall make out the certificate in accordance with (*a*), Art. 2, and send it through in the manner described in Art. 3.

N.B.—The attention of the Fieldcornet is drawn to the punishment provided for in Art. 2 of the Law.

Obtaining Full Franchise.

5. This is obtained at least five years after obtaining letters of naturalisation without the full franchise. The applicant shall furnish proof to the Fieldcornet that he has obtained the letters of naturalisation. This proof shall consist of the handing in of the letters of naturalisation obtained,

with the applicant's affidavit that he is the person to whom these were granted, or if these had been lost, by affidavits to the effect that the applicant is the person who, according to the published lists of burghers, obtained the letters of naturalisation.

He shall also furnish proof that he was domiciled in the State for at least five years after naturalisation, &c., as enumerated in (*a*), (*b*), (*c*) and (*d*) of Art. 2.

He shall also prove by handing in a copy of the *Staatscourant*, or even by giving the exact date of the *Staatscourant* concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain the full franchise in accordance with Schedule F.

The manner in which the full franchise is obtained is the same as described in Art. 3, only that the oath is not taken when the letters of full franchise are granted. The £2 stamp is also not necessary in this case.

Letters of Naturalisation with Full Franchise.

6. For this a domicile of at least seven years is necessary. The period of domicile before the coming into force of this Law is taken into consideration just as much as that after the coming into force of this Law. The case of people who come into the South African Republic to stay after the coming into force of this Law is dealt with in Art. 7, while that of new-comers before the coming into force of this Law is dealt with in Art. 8.

Persons Coming into this State after the coming into force of this Law.

7. Besides the general certificates and proofs as described in (*a*), (*b*), (*c*), and (*d*) of Art. 2, the applicant shall in this case further prove, by handing in the *Staatscourant*, or even by stating the exact date of the *Staatscourant* concerned, that he, before or at the commencement of the period of seven years, gave notice to the Fieldcornet of his intention to become a fully enfranchised burgher of this Republic.

This notice is in the form of Schedule E.

The applicant shall further prove in the same manner that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Schedule F.

8. Persons who, before the coming into force of this Law, came to the South African Republic to stay, are divided into two classes :—

1. Those who, in accordance with the retrospective period of seven years from the date of coming into the State are entitled to letters of naturalisation with the full franchise within six months of the coming into force of this Law.—These persons only produce the certificates and proofs, as enumerated in (*a*), (*b*), (*c*), and (*d*) of Art. 2, and, therefore, obtain letters of naturalisation with the full franchise.
2. Those who are only entitled to letters of naturalisation with the full franchise six months after the coming into force of this Law. These persons must not only hand in the certificates and proofs, as enumerated in (*a*), (*b*), (*c*), and (*d*) of Art. 2, but must prove, by handing in the *Staatscourant*, or stating the exact date of the *Staatscourant* concerned, that they, within six months of the coming into force of this Law, gave notice to the Fieldcornet of their intention to become fully enfranchised burghers, in accordance with Schedule E.

Those persons who neglect to give this notice within the specified period, forfeit their right to letters of naturalisation with the full franchise, under the retrospective clauses of Art. 4 of the Law, and are dealt with in accordance with Arts. 4 and 5, or 7, that is to say, may immediately allow themselves to be naturalised, and may obtain the full franchise five years later, or may now give notice of their intention to become full burghers, and can obtain the full franchise seven years thereafter.

Youths.

9. Youths born in this State or not, follow the status of the father before their sixteenth year, and obtain the same franchise as their father on their sixteenth year by registration on the Fieldcornet's books, without any further conditions.

Male children of strangers may, on their sixteenth year, allow themselves to be naturalised, and may obtain the full franchise as set forth in the second paragraph of Art. 6 of the law.

10. Persons who have obtained the full franchise as described in the Law, may, if registered, vote in any election concerning their ward, district, or the whole Republic, as set forth in the first paragraph of Art. 4 of Law No. 3 of 1894.

Persons who have obtained letters of naturalisation without the full franchise may, if registered, vote in any election concerning their ward, or district, or for members for the Second Raad, as set forth in the third paragraph of Art. 14 of Law No. 3 of 1894.

In Conclusion.

11. In conclusion, all officials concerned are requested to act with the greatest speed and vigilance in dealing with applications for letters of naturalisation and the full franchise.

F. W. REITZ,
State Secretary.

SCHEDULE A.

Certificate.

The undersigned, Fieldcornet for the ward (town or village) district hereby certify that the name of at present residing within the ward district appears in the Fieldcornet's Lists of this ward (town or village) as having arrived in this Republic on the day of 189 , and is registered as having left this ward (town or village) on the day of 189 , and that the said is known to him (the Fieldcornet) as having lived here for at least years, and was always obedient to the laws of the land and committed no crime against the independence of the country (as appears from the affidavits hereto attached).

This day of 189 .

Fieldcornet.

Landdrost :
Commandant :

SCHEDULE B.

Affidavit.

I, , fully enfranchised burgher of the South African Republic, residing at hereby declare under oath that I have been acquainted with , formerly subject of at present residing at that he on came to settle in this Republic at , and has retained his domicile since then ; that he according to my best knowledge, has obeyed the laws of this Republic and has committed no crime against the independence thereof.

Sworn before me this day of 189 .

SCHEDULE C.

Affidavit.

I, , formerly subject of , born at , at present living at , hereby declare under oath that I am the person mentioned in the certificate of the Fieldcornet of dated (or in the affidavits of dated), and at present make application for letters of naturalisation ; and declare that the facts in the said affidavits are correct, and also that I have never had any sentence passed on me, either in this Republic or elsewhere, for the crimes of high treason murder, rape, theft, fraud, perjury, and forgery (falsification).

Sworn before me this day of 189 .

SCHEDULE D

Oath.

I, , till to-day , born , desiring to become a burgher of the State, and having fulfilled all the provisions of the Law regarding naturalisation, swear (or solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all uprightness and in terms of Law No. 3, 1899, with which I declare to be acquainted*) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and other Laws and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of the State.

So truly help me God (or that I solemnly promise).

Sworn before me at , this day of .

* The commencement of Law No. 3, of 1899, Art. 1, section D, reads as follows :—

The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any other State or ruler :—

I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all righteousness, and in terms of Law No. 3, of 1899, with which I declare to be acquainted) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and other laws, and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God (or that I solemnly promise).

SCHEDULE E.

Notice.

I at present resident at in the South African Republic, formerly resident at in , whose occupation is desiring to reside for good in the South African Republic, hereby give notice that I, years from date, will make application for letters of naturalisation with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. 3, of 1899, to obey the laws and commit no crime against the independence of the South African Republic.

Signature

Date

SCHEDULE F.

Notice.

I at present residing at in the South African Republic, formerly resident at in , whose occupation is desiring to reside for good in the South African Republic, hereby give notice that, at least six months from the date of this notice, I shall make application for letters of naturalisation without the full franchise,

Or for letters of naturalisation with the full franchise.

Or for the obtaining of the full franchise.

Signature

Date

("LEADER," July 28, 1899.)

To the Editor of the Leader,

SIR,

THE *Standard and Diggers' News* in its issue of this morning has published a translation of the new Franchise Law which came into force yesterday. Side by side with this is published a telegram from Pretoria intimating that with the publication of the Franchise Law in the *Gazette* there is appended an "Explanatory Memoran lum of Instructions" in order to simplify the details of the law from an administrative point of view, and then the correspondent of the *Standard and Diggers' News* goes on to say that he has interviewed the State Attorney, who informed him that it had been made perfectly clear from that Explanatory Memorandum of Instructions what the applicant for full burgher rights has to do in order to obtain his rights. He then proceeds to say that the State Attorney has also given an explanation how the provisions of the law are to be interpreted.

Now, with all due respect to the opinion of the State Attorney, I beg to state that no *Explanatory Memorandum attached to the law and which is contrary to the provisions of that law can have any force or effect whatever*, no matter whether it is signed by the President of this Republic, the State Secretary, or the State Attorney, and no interpretation that these officials give of any of the provisions of the law, and which is in contradiction to the law itself, can be recognised, and no one knows this better than the State Attorney himself. If there is any ambiguity in the law, the interpretation of that must rest with the High Court, and the High Court can only interpret it strictly according to the usual and well recognised rules of interpretation *unless a Volksraad besluit is issued hereafter directing them how to interpret it!*

I will assume that the State Attorney is most desirous, so far as he is personally concerned, to remove as much as possible the many pitfalls and barbed wire fences which encircle this law, but it is too late now after its publication to attempt, by an explanatory memorandum, to remove these. This he should have seen to at the time the bill was drafted by himself, or when it was passing through the Raad. He cannot now by means of an unauthorised explanatory memorandum remove these, or soften them down by means of a memorandum or otherwise. The only way to do it is by withdrawal of the bill, and substituting another in its place to be passed by the First Raad.

Let me take a few of the interpretations that the state Attorney desires to apply to the provisions of the law.

I will pass over in the same way as the State Attorney has all the many defects and pitfalls which surround the applicant under the provisions of Article 1, sub-section (A). These are too numerous and too important to be dealt with in a letter. I will merely take the following, namely:—

1. The State Attorney says the instructions to the officials make it clear that the requirements of "obedience" to the laws do not mean that the laws *must have been kept*, but only that the applicant should not have openly defied the laws and thus rendered himself guilty of "High Treason." Now, the law says distinctly and clearly that an applicant must show, *that during the time he has been resident in this Republic he has obeyed the laws of the land* and committed no crime against the independence of the South African Republic, and under sub-section (B) the applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and then it goes on to explain what a dishonouring sentence is.

Now, this explanation of the State Attorney is in direct opposition to the provisions of the law, as I contend that from the law it is quite clear that *any breach of any law whatever*, would debar the applicant from obtaining his franchise, and I say emphatically that the interpretation given by the State Attorney is wrong and cannot override the provisions of the law, and are quite valueless in the face of such clear provisions in the law; and any Court of Law will unquestionably interpret the law as it is published without any reference to memoranda or the State Attorney's opinion.

2. In regard to the Reformers, the State Attorney says the Reformers are all entitled to burgher rights under the new Franchise Law, except the four who pleaded guilty of high treason.

Now I have the authority of one of the leading lawyers practising in the Cape Colony who has advised me that under this law the Reformers cannot obtain the Franchise. If it had been the intention of the Government of the South African Republic or of the Raad that the Reformers should have that right, they could have made it perfectly clear by inserting a special clause providing for it, and thus avoiding any ambiguity or doubt on this point. Why then have they not done so? It would have been very simple to have made such a provision, but no, they preferred leaving it doubtful.

3. As regards property qualifications, the State Attorney says the qualification of salary or wages amounting to at least £100 per annum means that the law will be satisfied if the applicant can show that he has even been *earning weekly or monthly, temporarily, at that rate per annum.*

Now, Sub-section (C) says distinctly that the applicant shall produce proof . . . that he

draws *a fixed salary* or wage of £100 per annum ; not *temporarily* but *fixed.* Here the opinion of the State Attorney is also in direct opposition to the provisions of the law, and I repeat that the law must prevail against the opinion of the State Attorney.

Further, the law provides that you must be the owner of "fixed" property, consequently those who are in occupation or possession of "leasehold" property such as stands in Parktown, New Doornfontein, and other such suburbs of Johannesburg, will be disqualified because the buildings erected upon such stands are *not, in Law, "fixed" property.*

These are simply a few of the points which require to be explained to show how utterly absurd this Explanatory Memorandum must appear in the eyes of any sensible man ; but I go a step further, and I say that even if you remove all these pitfalls and doubtful meanings and expressions, the law is *not adequate or satisfactory* to the Uitlanders of this Republic. I leave alone the question of the seven years' retrospective. We will accept nothing short of Sir Alfred Milner's irreducible minimum, and the provision of the law as to being domiciled for seven years alone condemns it in the eyes of the whole Uitlander population, and so long as that provision remains, the members of the Raad can make as many attempts as they please to remove the pitfalls and barbed wire fences, but we will *not accept* any law with seven years' retrospective.

I find also in the *Diggers' News*, above the publication of this new Franchise Law, a telegram from Pretoria, as follows :—

"I am informed on the highest authority the new burghers will be on *exactly the same footing as the old* with reference to the voting for the election of President and *Commandant-General.*" If I am to understand from this telegram that under this law the new burghers will have that right, then I say that telegram conveys an absolutely false and erroneous impression, because this law makes no specific provision that the new burghers shall have the right to vote for President and Commandant-General, and until it does make such a provision such right does not exist ; because under the provisions of Law No. 3 of 1894 a clear distinction is drawn between the burghers who had obtained the franchise either before the coming into operation of the Franchise Law of 1890 or *thereafter by reason of having been born in this Republic*, and those who become naturalised *subsequent to the Law of* 1890. The first class, that is burghers who were entitled to burgher rights before 1890 or who thereafter acquired the right by birth, were entitled by Law of 1894 to record their votes as follows :—

(*a*) For the election of a Fieldcornet, &c.
(*b*) For every election which concerns the whole district of the Fiscal Division in which they reside.
(*c*) For every election which concerns the *whole of the South African Republic* which would include the right to vote for the election of President and Commandant-General.

This law also provides that *extension of this franchise* (that is the right to vote for the foregoing) *shall not take place without a proposal to that effect having been published for a year in the Staats-courant, and at least two-thirds of the aforesaid enfranchised burghers* shall have declared themselves in favour thereof. This has not been done with the new Franchise Law of 1899, as there has been no such publication ; whilst those burghers who are entitled to vote by virtue of naturalisation *after the law of* 1890 *came into operation* have the right merely to record their votes :—

(*a*) For the election of a Fieldcornet each in his own ward.
(*b*) For a member of the Second Raad for the district or electoral division of their domicile.
(*c*) For every other election which concerns the *whole district* or the electoral division in which they are domiciled, and to which they are entitled according to law.

Now it will be noticed that the right to vote for any election which concerns the *whole South African Republic*, such as the President and Commandant-General, has by the Law of 1894 been specially excluded and is not conferred on persons naturalised and who obtain their burgher rights after 1890.

Now, the present law provides that it is desirable to amend and amplify certain provisions of the law with *reference to naturalisation and the obtaining of full franchise*, so that this law is merely an extension of the rights to naturalised burghers who obtain their rights after 1890 and consequently come under the provision of Law 3 of 1894, and, therefore, does not give to such persons who obtain their franchise under this new law the right to vote for President and Commandant-General.

This, I contend, is clear and explicit, and therefore, so long as the right to vote for the President and Commandant-General is excluded, the law is inadequate and insufficient no matter how favourable the other provisions are. What could have been more simple if it had been the wish and intention of the Government of the Raad to give the newly enfranchised burghers, under the new law, the right to vote for these officials, than to have inserted a provision in the law to that effect ? But the omission gives us reason, and a very strong reason, to doubt the sincerity of the Government, and of the Raad, to grant us that right.

In conclusion, I wish to say that whatever the State Attorney's opinion may be in regard to the interpretation of this law, or no matter how anxious he may be to explain any doubtful provisions in that law, or to remove any harsh or impossible conditions of it, it is quite within the range of possibility that he may resign his office at any time and another appointed in his place who would unquestionably issue another explanatory memorandum of instructions directly in contradiction to those now issued, and instruct the officials "from an administrative point of view" to enforce the law strictly, and not to be guided by any prior instructions or memorandum. It would clearly be the duty of a new State Attorney to see this law carried out strictly and in accordance with its provisions in order to allow no person to obtain the franchise who cannot satisfy every requirement of the law. The mere fact that an Explanatory Memorandum is necessary shows at once the ambiguity and vagueness of the law and the many pitfalls surrounding it. If that law were a simple one, clear and concise, so that everyone who read it could understand it, there would be no necessity for any such Memorandum of Instructions to explain its provisions. I fear, therefore, it is only another attempt to throw dust in the eyes of the Uitlanders.—Yours, &c.,

E. P. SOLOMON.

Johannesburg, July 27th.

Enclosure 5 in No. 35.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 28, 1899.

WITH reference to my telegram, No. 220, of yesterday's date I have the honour to transmit to Your Excellency herewith certified copies of resolutions passed at a public meeting of the unenfranchised held in Johannesburg on Wednesday last, the 26th instant, which I have received from Mr. William Hosken the Chairman of the meeting, for communication to Your Excellency and the Secretary of State.

uly 27. I have also the honour to annex a report* of the meeting and of the speeches* made on the occasion from the "Star' newspaper.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Copies of Resolutions passed at the Public Meeting of the Unenfranchised held in Johannesburg on Wednesday, the 26th July, 1899.

First Resolution.

Proposed by Mr. H. C. Hull:

Seconded by Mr. M. Mill:

"That this Meeting condemns the New Franchise Law as a wholly inadequate concession to the just demands of the Uitlander population, and again insists upon the necessity of a Franchise Law which shall be simple and intelligible in its language, free from embarrassing restrictions and formalities, and based upon a residential qualification of five years at the utmost."

Carried with one dissentient.

A true copy:

WM. HOSKEN,
Chairman.

Second Resolution.

Proposed by Mr. A. Mackie Niven:

Seconded by Mr. W. St. John Carr:

Supported by the Rev. Dr. Herz; the Rev. C. Baumgarten; Mr. G. F. Esselen; and Mr. H. B. Kruger:

"That this meeting insists upon the demand of the Uitlander Council for a redistribution of seats which shall take place periodically, and for a representation which shall bear some definite relation to the number of electors; that it also records its conviction that equality of language, the independence of the High Court, the demolition of forts, and the removal of each and every disability on account of religious belief are accessory reforms, essential to the exercise of the rights of a free people; and that in all other respects it confirms the declaration of the Uitlander Council in principle and detail."

Carried unanimously.

A true copy:

WM. HOSKEN,
Chairman.

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* Not reprinted.

Third Resolution.

Proposed by Dr. Kendal Franks:

Seconded by Mr. A. Raitt:

"Having in view the grudging and illiberal spirit shown by the Government and Volksraad in their treatment of the question of Franchise Reform, and the facility with which even fundamental laws are and may be changed, this meeting is convinced that no settlement will be of any value unless its permanency is guaranteed by an understanding between the Imperial Government and the Government of the South African Republic."

Carried unanimously.

A true copy:
WM. HOSKEN,
Chairman.

Fourth Resolution.

Proposed by Mr. H. L. Lindsay:

Seconded by Dr. W. Davies:

"This meeting declares its determination strenuously to support Sir Alfred Milner in his efforts to secure effective reforms in this country, and equality of the white races throughout South Africa."

Carried unanimously.

A true copy:
WM. HOSKEN,
Chairman.

Fifth Resolution.

Proposed by Mr. S. Mosel:

Seconded by Mr. W. Wybergh:

"That copies of the foregoing Resolutions be forwarded to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner, and the Right Hon. the Secretary of State for the Colonies, and that copies of Resolutions Nos. 1 and 2 be forwarded to the State Secretary for the information of the Government of the South African Republic."

Carried unanimously.

A true copy:
WM. HOSKEN,
Chairman.

No. 36.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 18, 1899.)

[*Answered by No.* 37.]

SIR, Government House, Cape Town, August 2, 1899.

WITH reference to my telegram of the 27th ultimo (No. 4),* I have the honour to transmit the documents noted in the margin, relating to the Petition to Her Majesty the Queen from inhabitants of Cape Colony, Basutoland, Rhodesia and Natal in support of the policy of Her Majesty's Government with regard to the South African Republic.

From Govr. Natal. 24/7/99.
Capt. Brabant, M.L.A., and Mr. Fuller, M.L.A. 27/7/99. With petition.
Govr. Natal. 28/7/99.
Capt. Brabant. 2/8/99.

You will observe that the signatures to this Petition now amount to 39,928 in

* No. 12.

Cape Colony (including 107 in Basutoland), 1,771 in Rhodesia, and 7,542 in Natal, or a grand total of 49,241.

The engrossed copy of the Petition enclosed herewith contains the signatures of 45 members of the Cape Legislature. I am informed that these signatures have not been reckoned in computing the numbers, as they also appear on the various sheets which I am transmitting to you separately.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 36.

From the GOVERNOR OF NATAL to the HIGH COMMISSIONER, Cape Town.

Government House, Pietermaritzburg, Natal,
July 24, 1899.

SIR,

IN continuation of my despatch of 10th instant, I have the honour to transmit further sheets of the Petition* to the Queen signed by 1,161 more adult European male colonists of Natal. This brings the total number of signatures to the Petition up to 7,497.

Dr. Allen informed me, when he brought the Petition to me to-day, that the affidavits for Pinetown and Ixopo have not yet been received. I will forward them later.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.
&c., &c., &c.
Cape Town.

Enclosure 2 in No. 36.

Captain BRABANT, M.L.A., and Mr. FULLER, M.L.A., to the HIGH COMMISSIONER, Cape Town.

SIR,

Cape Town, July 27, 1899.

WE have the honour to inform Your Excellency that we have been requested to forward to Your Excellency, for transmission to Her Majesty the Queen, a Petition, a copy of which we enclose,† which has been signed up to date by thirty-eight thousand five-hundred (38,500) British subjects in the Colony of the Cape of Good Hope and two thousand (2,000) in Rhodesia; these are exclusive of the seven thousand five hundred (7,500) who signed a similar petition in Natal. We would point out to Your Excellency that the civil servants, railway employees and officials of all public institutions who comprise a large proportion of the population and who are thoroughly loyal and are well known to be in perfect sympathy with the sentiments expressed in the Petition have not signed it on account of the very strict conditions under which they are employed which prevent their taking part in the public and political affairs of the Colony. We would also venture to direct Your Excellency's attention to the fact that included amongst the signatures to the Petition are those of a number of influential Dutch-speaking inhabitants. A large number of signatures to the Petition from Rhodesia and Basutoland will shortly reach Cape Town when they will be presented to Your Excellency together with a further number of signatures from different parts of the Colony. We may state with the exception of a few of the signatures obtained in the outlying districts the genuineness of the signatures are vouched for by a sworn declaration made by the person who was responsible for obtaining them.

We have, &c.,
E. Y. BRABANT,
Senior President, South African League.
THOS. E. FULLER.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
Governor of the Colony of the Cape of Good Hope
and Her Majesty's High Commissioner for South Africa.

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* See enclosure in No. 23. † Not printed, being identical with enclosure in No. 23.

Enclosure 3 in No. 36.

From the GOVERNOR OF NATAL to the HIGH COMMISSIONER, Cape Town.

Government House, Pietermaritzburg, Natal,
July 28, 1899.

SIR,

IN continuation of my despatch of 24th instant, I have the honour to transmit some further sheets of the Petition to the Queen bearing 45 more signatures, and making a total of 7,542.

Dr. Allen informs me that he does not expect to receive any more signatures.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.
Cape Town.

Enclosure 4 in No. 36.

Captain BRABANT, M.L.A., to the HIGH COMMISSIONER, Cape Town.

Cape Town, August 2, 1899.

SIR,

I HAVE the honour to inform Your Excellency that I have been requested to forward to Your Excellency, for transmission to Her Majesty the Queen, a further number of signatures to the Petition, amounting in all to 1,199 which makes a total number of signatures up to date of 41,699, excluding the 7,500 which were forwarded to Your Excellency from Natal.

I have, &c.,
E. Y. BRABANT.
President, South African League.

To His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
Governor of the Colony of the Cape of Good Hope
and Her Majesty's High Commissioner for South Africa.

No. 37.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 p.m., August 21, 1899.)

TELEGRAM.

August 21. No. 2. Referring to your despatch 2nd August.* Petition has been laid before the Queen, who was pleased to receive it graciously. Inform petitioners as in my telegram of 12th August,† *mutatis mutandis*.

No. 38.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL).

(Sent 1.55 p.m., August 22, 1899.)

TELEGRAM.

Resolutions of Legislative Council and Legislative Assembly of Natal enclosed in your despatches of July 22 and 27‡ have been laid before the Queen, who was pleased to receive them very graciously.

Her Majesty's Government highly appreciate the unanimous support thus given by Parliament of Natal to their endeavours to secure equal rights and privileges for all Europeans in South Africa.

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* No. 36. † No. 31. ‡ Nos. 29 and 34.

No. 39.

MR. CHAMBERLAIN to GOVERNOR-GENERAL the EARL OF MINTO (CANADA).

(Sent 5.50 p.m., August 22, 1899.)

TELEGRAM.

I HAVE received from the Speakers of the Senate and the House of Commons of Canada, copies of Resolutions* unanimously adopted by those Houses on the 1st of August and the 31st of July respectively, with regard to the present situation in South Africa. Her Majesty's Government will be glad if you will convey, on their behalf, an acknowledgment of these Resolution together with an expression of their appreciation of the support thus afforded to them in their efforts to secure equal rights and liberties for all the white inhabitants of the Transvaal.

No. 40.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.5 p.m., August 23, 1899.)

TELEGRAM.

23rd August. No. 6. Referring to your despatch of July 12,† inform Moderator and other representatives of the Dutch Reformed Church that their letter has been laid before the Queen, who was pleased to receive it graciously.

---

* See Nos. 32 and 33 respectively.

† No. 15.

SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO THE

POLITICAL AFFAIRS

OF THE

SOUTH AFRICAN REPUBLIC.

(*In continuation of* [*C.* 9521], *September*, 1899.)

Presented to both Houses of Parliament by Command of Her Majesty.
October, 1899.

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1899.

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3	Ditto	Telegram	September 12 (Rec. Sept. 12)	Reports that message conveyed in Mr. Chamberlain's telegram of 8th September has been delivered to the Government of the Republic.	2
4	Ditto	Telegram.	September 13. (Received September 13.)	Reports that he has intimated to the Government of the Republic that he would not interpret the instruction of Her Majesty's Government as necessitating a reply to their message of 8th September by Thursday morning.	2
4A	To High Commissioner Sir Alfred Milner.	Telegram	September 15	Approves action reported in No. 4 ...	2
5	High Commissioner Sir Alfred Milner.	—	August 30. (Rec. Sept. 15.)	Encloses copy of correspondence respecting attempts to commandeer British subjects, and recommends that in any general settlement with the Republic this question should be put on a satisfactory footing.	2
6	Ditto	—	August 30. (Rec. Sept. 15.)	Encloses copy of further correspondence respecting the franchise proposals of the Government of the Republic.	6
7	Ditto	Telegram	September 16. (Rec. Sept. 17.)	Conveys the reply of the Government of the Republic to the message of 8th September.	11
8	Ditto	Telegram	September 18. (Rec. Sept. 19.)	Reports intention of the Government of the Republic to introduce two Laws gravely affecting Mining Companies and Property-holders in the Republic.	13
9	Ditto	Telegram.	September 19. (Rec. Sept. 19.)	Repeats telegraphic correspondence with the President of the Orange Free State respecting the reasons for the movements of British troops near the Orange Free State border.	14
10	Ditto	Telegram.	September 21. (Rec. Sept. 22.)	Forwards minute from Cape Ministers urging that Her Majesty's Government should exercise a spirit of magnanimous compromise as the only hope of avoiding war.	15

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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
11	To High Commissioner Sir Alfred Milner.	Telegram.	September 22	Trusts that the President of the Orange Free State will be able to deny publicly the report that he said in the Volksraad on September 21 that the Transvaal had been decoyed by Mr. Greene and that he virtually accused the Imperial Government of bad faith.	16
12	Ditto	Telegram.	September 22	Regrets that the reply of the Republic Government is a refusal to accept the proposals in the telegram of 8th September; states that it is useless to continue a discussion on the lines hitherto followed ; that the situation will be considered afresh and the proposals of Her Majesty's Government for a final settlement will be communicated later.	16
13	Ditto	Telegram.	September 22	Comments on the charges of breach of faith insinuated in the State Secretary's letter in No. 7.	17
14	Ditto	Telegram.	September 25	States that Her Majesty's Government appreciate anxiety of the Cape Ministers as expressed in No. 10, and will continue to show every consideration to the Republic Government consistent with maintenance of British interests.	18
15	High Commissioner Sir Alfred Milner.	—	September 5. (Received September 27.)	Transmits copy of a Note from the British Agent to the Government of the Republic asking that steps may be taken to prevent the publication of newspaper articles inciting to murder of British subjects.	18
16	Ditto	—	September 6. (Received September 27.)	Forwards, with remarks, copies of further correspondence relative to franchise question and the semi-official communications between the British Agent and the State Attorney in August.	19
17	Ditto	Telegram.	September 27. (Received September 28.)	Reports receipt of a long message from the President of the Orange Free State expressing views of his Government on the situation, requesting that movements or increase of troops on the border may be stopped pending further negotiations, and asking for the views of Her Majesty's Government on the points raised.	36
18	Ditto	Telegram.	September 27. (Received September 28.)	Repeats Resolution of the Volksraad of the Orange Free State sent by the President instructing the Government to do everything to preserve peace and assist in solving differences, and stating that the Orange Free state will observe its obligations towards the South African Republic whatever may happen.	38
19	Ditto	Telegram.	September 28. (Received September 28.)	States that he has simply acknowledged the messages reported in Nos. 17 and 18, and said that they have been communicated to the Secretary of state.	38

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		—
20	High Commissioner Sir Alfred Milner.	Telegram	September 28. (Rec. Sept. 28.)	Conveys President Steyn's reply to No. 11.	39
21	Ditto	Telegram	September 28. (Received September 28.)	Transmits a petition from 57 Members of Cape Parliament deprecating interference by force in the South African Republic, and asking for the appointment of a Commission of Enquiry into the franchise question.	39
22	Ditto	Telegram	September 28. (Received September 29.)	Conveys resolution, signed by 53 members of both Houses, received through Sir Gordon Sprigg, deprecating encouragement given to the South African Republic and supporting the policy of Her Majesty's Government.	40
23	To High Commissioner Sir Alfred Milner.	Telegram	September 29.	Instructs him to inform President Kruger, that in the event of hostilities he is expected to protect the lives and property of all peaceable persons, and will be held responsible for any acts contrary to the usages of civilized people.	41
24	Ditto	Telegram	September 29.	Conveys reply of Her Majesty's Government to No. 17.	41
25	Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram	September 29. (Received September 29.)	Reports that no more railway traffic will be received in the Republic, the line having been taken over by the Republic Government, and that the railway telegraph wire has been cut.	41
26	High Commissioner Sir Alfred Milner.	Telegram	September 30 (Received September 30.)	Reports that Mr. Theron states that his name was omitted from the signatures to the petition forwarded in No. 21.	41
27	Ditto	Telegram	September 30 (Received September 30.)	Reports that he proposes to hold over the message conveyed in No. 24 as the Orange Free State Government seem not to have abandoned hope of a compromise.	42
28	Ditto	Telegram	September 30 (Received October 1.)	Reports that the State Secretary of the South African Republic would be glad to know by 2nd October what decision Her Majesty's Government have taken.	42
29	To High Commissioner Sir Alfred Milner.	Telegram	October 1	Instructs him to reply to the foregoing, that the despatch of Her Majesty's Government will not be ready for some days.	42
30	Ditto	Telegram	October 2	Requests that the President of the Orange Free State be informed that Her Majesty's Government are glad to learn that the report of his speech is inaccurate.	42
31	High Commissioner Sir Alfred Milner.	Telegram	October 2 (Received October 2).	Repeats telegraphic correspondence with President of the Orange Free State respecting the calling up of the Free State burghers and the action of Her Majesty's Government.	42

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
32	High Commissioner Sir Alfred Milner.	Telegram	October 2 (Received October 2).	Repeats telegram from Her Majesty's Agent reporting adjournment of the Volksraad of the South African Republic, and that the President in his speech declared war was inevitable.	43
33	Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram.	October 2 (Rec. Oct. 3.)	Repeats telegram from Civil Commissioner, Zululand, reporting message received from Dinuzulu as to treatment of Zulus by Boers in Vryheid district.	43
34	High Commissioner Sir Alfred Milner.	Telegram.	October 3 (Rec. Oct. 3.)	Repeats further telegraphic correspondence with President of the Orange Free State on the situation.	44
35	To High Commissioner Sir Alfred Milner.	Telegram.	October 3.	Requests that Sir Gordon Sprigg be informed that Her Majesty's Government have received the assurance of support in No. 22 with much satisfaction.	45
36	Ditto	Telegram	October 3	Replies to the Petition enclosed in No. 21.	45
37	High Commissioner Sir Alfred Milner.	Telegram	October 3 (Rec. Oct. 4.)	Reports on the situation in the Orange Free State and the South African Republic; the latter has seized bar gold valued at over half a million.	45
38	Ditto	Telegram	October 4 (Rec. Oct. 4.)	Reports receipt of a further telegram from the President of the Orange Free State, and suggests terms of a reply.	46
39	To High Commissioner Sir Alfred Milner.	Telegram	October 4	Approves terms of proposed reply to President Steyn.	46
40	High Commisssoner Sir Alfred Milner.	Telegram	October 5 (Rec. Oct. 5.)	Reports further telegraphic correspondence with President Steyn, and suggests answer.	47
41	To High Commissioner Sir Alfred Milner.	Telegram	October 6	Authorises him to give the answer to President Steyn proposed in No. 40 with the addition indicated.	48
42	Ditto	Telegram	October 7	Enquires under what authority the Government of the Republic have seized the gold referred to in No. 37.	48
43	High Commissioner Sir Alfred Milner.	Telegram	October 7 (Received October 7.)	Repeats telegram from Her Majesty's Agent at Pretoria reporting that the State Secretary informed him that property of individuals of whatever nationality could be and was being commandeered to the value of £15 a head.	48
44	Ditto	Telegram	October 7 (Rec. Oct. 8.)	Repeats further telegraphic correspondence with President Steyn.	49
45	Ditto	Telegram	October 8 (Rec. Oct. 8.)	Repeats telegram from Her Majesty's Agent, giving terms of notices which have appeared in the press as to the steps to be taken by British subjects who wish to remain in the country.	50

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
46	High Commissioner Sir Alfred Milner.	Telegram	October 8, (Received October 8.)	Reports result of enquiry made by British Agent at Pretoria respecting the seizure of gold; reports the circumstances of the flight of British subjects from the Orange Free State, and the action of the Government in commandeering other British subjects; suggests a strong remonstrance.	50
47	Ditto	Telegram	October 8, (Received October 8.)	Forwards telegram from Her Majesty's Agent giving particulars of the ill-treatment of J. C. Carelese, a British subject.	51
48	To High Commissioner Sir Alfred Milner.	Telegram	October 9	Approves his communication to President Steyn reported in No. 44.	51
49	High Commissioner Sir Alfred Milner.	—	September 18 (Rec. Oct. 9.)	Forwards correspondence relative to the position of aliens in the Orange Free State in the event of hostilities.	51
50	Ditto	—	September 19 (Rec. Oct. 9.)	Forwards copy of despatch from the British Agent at Pretoria, enclosing two measures which it is proposed to bring before the Volksraad dealing with possible confiscation of mines and property in the South African Republic.	53
51	Ditto	—	September 20 (Rec. Oct. 9.)	Encloses further communications from Her Majesty's Agent on the situation, and submits observations on the charge of breach of faith insinuated against the British Agent in connection with his semi-official communications with the State Attorney.	56
52	Ditto	Telegram	October 9 (Rec. Oct. 10.)	Gives substance of another telegram from President Steyn.	64
53	Ditto	Telegram.	October 9 (Received October 10.)	Gives full text of a Note from the Republic Government demanding the acquiescence by 5 p.m. on October 11 of Her Majesty's Government in certain demands, failing which the action of Her Majesty's Government will be regarded as a formal declaration of war.	65
54	To High Commissioner Sir Alfred Milner.	Telegram.	October 10	Conveys terms of a protest to be addressed to President Steyn against the commandeering of British subjects in the Orange Free State.	67
55	To Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram	October 10	Replies to Dinuzulu's message in No. 33.	68
56	To High Commissioner Sir Alfred Milner.	Telegram	October 10	Instructs him that British Agent at Pretoria, when communicating the reply to the demands of the Government of the Republic, should ask for his passports.	68

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
57	To High Commissioner Sir Alfred Milner.	Telegram.	October 10	Conveys the reply of Her Majesty's Government to No. 53.	68
58	Ditto	Telegram	October 11	Informs him that the Government of the United States of America have been asked to allow their Consul to take charge of the British Agency.	68
59	Ditto	Telegram	October 11.	Instructs him, in view of the matter reported in No. 47, at once to warn President Kruger in terms of No. 23.	69
60	High Commissioner Sir Alfred Milner.	Telegram	October 11 (Received October 12.)	Reports that the reply of Her Majesty's Government to the demands of the Government of the Republic has been conveyed to that Government by the British Agent, who will leave Pretoria on the 12th October.	69
61	Ditto	Telegram	October 11 (Received October 12.)	Reports further correspondence with the President of the Orange Free State, who notifies that that State will abide by its engagements with the South African Republic.	69
62	To High Commissioner Sir Alfred Milner.	Telegram	October 12	Presumes that there is no foundation for the statement of the President of the Orange Free State that active hostilities had been commenced by the British before the receipt of the ultimatum of the South African Republic.	70
63	High Commissioner Sir Alfred Milner.	Telegram	October 12 (Received October 13.)	Roports that the statement has not the slightest foundation.	70

SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO THE

POLITICAL AFFAIRS OF THE SOUTH AFRICAN REPUBLIC

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 10.45 p.m., September 8, 1899.)

TELEGRAM.

(Extract.)

8th September. No. 2. Greene telegraphs as follows :—

Begins: 8th September. I have received a visit from the State Secretary who has informed me that, in accordance with a suggestion made by the President of the Orange Free State and friends in Cape Colony, the Government of the South African Republic desire to add the following sentence to the tenth paragraph of their note of 2nd September*: "This Government being quite willing to enter such Conference."

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 9, 1899.)

TELEGRAM.

8th September. No. 3. Referring to my telegram of yesterday, No. 7,† British Agent telegraphs:—

Debate continued in Raad this morning; Resolution unanimously carried to the following effect:

Raad regrets armed troops are stationed on borders and declares its opinion that should possible eventuality war the Transvaal would not be responsible for the cause of that war. It resolved to await result of further negotiations between two Governments, and to declare emphatically its determination to maintain the independence and rights of the people of the South African Republic.

* *See* No. 49 in [C. 9521.]

† No. 29 in [C. 9521.]

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received 5.45 p.m., September 12, 1899.)

TELEGRAM.

Urgent. 12th September. No. 3. British Agent at Pretoria telegraphs that note embodying contents of your telegram of 8th September No. 5* has been delivered to Government of South African Republic.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.50 p.m., September 13, 1899.)

TELEGRAM.

[*Answered by No.* 4A.]

(Extract.)

13th September. No. 2. British Agent expressed a desire in delivering note yesterday, that an answer should be given by midday on Thursday next. Formal note of this request was taken by the State Secretary. I have instructed him to inform the Government of the South African Republic to the following effect: "that while Her Majesty's Government are most anxious for an early reply, as appears from their note, they did not instruct you to fix a definite limit of time; that the request for a reply by Thursday next was your own suggestion; and that having been informed of it by you, I desire the Government of the South African Republic to be made aware, that if they consider the time which you named insufficient, I should not interpret the request for an immediate reply made by Her Majesty's Government as necessitating a reply within the precise limit which you fixed."

No. 4A.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent, 1.45 p.m., September 15, 1899.)

TELEGRAM.

15th September. No. 1. Referring to your telegram of 13th September No. 2† your action is approved.

No. 5.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 15, 1899.)

SIR, Government House, Cape Town, August 30, 1899.

I HAVE the honour to transmit to you copies of the despatches and telegrams noted in the margin from Her Majesty's Agent at Pretoria with reference to alleged attempts to commandeer British subjects in the South African Republic.

Tel. 271. 23/8/99.
Tel. 273. 24/8/99.
Tel. 278. 26/8/99.
Despatch. 25/8/99.
Despatch. 26/8/99.

I desire to call your attention to the unsatisfactory position in which this question of commandeering now stands. As reported in my despatches of 15th instant and of 29th instant,‡ the Volksraad have passed a number of clauses of a new Grondwet, which is likely to come into force immediately. Of these clauses, Article 74 declares that "In case of war, rebellion, or other causes of grave danger, the State President may, in consultation with the Commandant-General, and with the consent of the Executive Council, have Martial Law proclaimed, and every inhabitant, without distinction, is then compelled to lend aid in defence of the State." Article 109 provides that "The Law can also compel inhabitants who are not burghers, and coloured people, to co-operate for the maintenance of the independence of the Republic, for the defence of its territory, and for the suppression of rebellions and disturbances." By Article 20, "Where in the Grondwet the regulation of a matter is left to the Law, then therein will also be considered a Raad Besluit"; from which it appears that a Resolution of the Volksraad can at any moment give effect to Article 109.

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* Nos. 52 in [C. 9521]. † No. 4. ‡ Not printed.

The provisions of Articles 74 and 109 are practically identical with those of the existing Grondwet (Law No. 2 of 1896, Articles 117, 119, 125). No mention is made in them of exemption of foreigners by Treaty right, nor is there any allusion to such exemption in the Circular of the Commandant-General, which appears to have been published in consequence of Mr. Greene's representations on the cases mentioned in the enclosures to the present despatch.

The position assumed by Her Majesty's Government is, that they will not be content with any treatment of Her Majesty's subjects in this respect which is less favourable than that given to the most favoured nation. Although the Volksraad have hitherto refused to ratify a formal agreement between the South African Republic and Great Britain the Government of the South African Republic have so far accepted the situation that they have recently refrained from commandeering British subjects.* But the concluding words of the Commandant-General's notice suggest that at any moment the notice may be withdrawn, and the provisions of the Grondwet put into force against British subjects generally.

Although, therefore, no immediate action seems to be required, I consider that the question is one which should be borne in mind, and in any general settlement with the Government of the South African Republic should be put on a permanent and satisfactory footing.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 5.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

August 23rd. No. 271.—I am receiving sworn complaints from British subjects resident in district of Krugersdorp that Field-Cornet has given them notice that they must be prepared for military service, and supply horses, arms, and accoutrements. In one instance a British subject was told that in default he must close his store, which he has in consequence done, and is now without occupation. I am also receiving sworn complaints that British subjects are being refused leave to send their horses and stock out of the country. I have represented above complaints to Government South African Republic. Have you any instructions ?—(Greene.)

Enclosure 2 in No. 5.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

August 24th. No. 273.—My telegram 271 of yesterday. Government South African Republic inform me enquiries are being made of local officials but that no orders for commandeering have been given by the Government.—(Greene.)

Enclosure 3 in No. 5.

From Her Majesty's Agent, Pretoria, to the High Commissioner, Cape Town.

Telegram.

August 26th. No. 278.—My telegrams 271 and 273. The Government have communicated to me officially a circular issued by the Commandant-General to the local officials in consequence of my representations on behalf of British subjects, warning the former against commandeering British subjects either for personal service or for horses, arms, &c., and further against prohibiting British subjects from exporting horses, &c., or selling the same for exportation. Circular states, "that it must be clearly understood that not a single foreigner who does not volunteer his services may be called up or commandeered in the event of war." The circular concludes by warning officials not to act in conflict with the terms of the notice unless on further special instructions from the Government. I am somewhat at a loss to understand this last clause which appears to give the circular little better than a provisional character notwithstanding the emphatic language of the body of the document.—(Greene.)

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* *See* Nos. 26 and 27 in [C. 9345.]

Enclosure 4 in No. 5.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
August 25, 1899.

SIR,

WITH reference to my telegram No. 271, of the 23rd instant, on the subject of alleged commandeering of British subjects by the Field Cornet of Krugersdorp, I have the honour to transmit to Your Excellency herewith a copy of a despatch which I have received from the British Vice-Consul at Johannesburg, together with a copy of an affidavit sworn before him by a British subject named Hotz, complaining that they had been ordered to hold themselves in readiness for military service.

I have also the honour to enclose an affidavit sworn before Mr. Vice-Consul Evans by Rosa Selina Lewis-Williams complaining that she had been refused leave by the same Field Cornet to send her cart horses and cows away to the Colony.

On the receipt of these complaints I at once wrote to the Government and asked that immediate enquiries might be made into the facts of each case.

I have now the honour to transmit to Your Excellency herewith translations of two Notes which I have received from the Under Secretary of State for Foreign Affairs in reply dealing with these representations, and assuring me that no commandeering orders had been issued by the Government, but that inquiries would at once be made into this and Mrs. Williams' complaint.

As regards the latter, I am informed that this is not a solitary instance, and that affidavits are being prepared in proof of this statement. It is, of course, well known that for some time past the Government have been doing all in their power to prevent the exportation of live stock from the Republic.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR,

British Vice Consulate, August 15, 1899.

A BRITISH subject, named Henry Emmerick, living with his brother (also a British subject) at Steyn Kopjes, near Blauw Bank, called to see me this afternoon to report that the Field Cornet of the district yesterday sent his brother to give the brothers Emmerick notice that they were to hold themselves in readiness for military service at a moment's notice, and he requested them to fetch guns and ammunition at once. In the event of their not having suitable riding horses, they were told that they would have to go with the wagons.

I have, &c.,
J. EMRYS EVANS.

I, Rosa Selina Lewis-Williams, make oath and say :—

1. I am a British subject, born at Aliwal North, Cape Colony.

2. I am the wife of Mr. James Lewis Lewis-Williams, who keeps a boarding house on stand No. 142, situated on the property of the Champ d'Or G. M. Co.

3. I have been living in the Krugersdorp district of the Transvaal for the last seven years.

4. On Wednesday last, the 16th instant, at my husband's request, I went to the Veld-Cornet, and asked him in Dutch for a permit to send our cart horses and four valuable cows away by train to the Colony. He refused, without giving any reason whatever.

Sworn at Johannesburg, this 18th day of August, 1899.

R: S. LEWIS-WILLIAMS.

Before me :—
J. EMRYS EVANS,
Vice-Consul.

August 22, 1899.

I, Alexander Hotz, make oath and say :—

I am a British subject naturalised in the Cape Colony on the 16th of August, 1895. I am at present residing at Kaalfontein, in the district of Krugersdorp, and I carry on business there as a hotel and storekeeper. On the 15th instant, Assistant Field Cornet Du Toit came to my house and gave me notice that at any moment I must be ready for military service, and that I must provide a horse, saddle, and bridle, and that in default

I must leave the place. In consequence of this the place has been closed, and I have now no occupation.

Sworn at Johannesburg, this 19th day of August, 1899.

Before me, A. HOTZ.
J. EMRYS EVANS, Vice-Consul.

(Translation.) Ministry for Foreign Affairs, Pretoria,
SIR, August 23, 1899.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant, in which you bring to my notice complaints made by Henry and Joseph Emmerick of Steynkopjes, and of Alexander Hotz, to the effect that they were instructed by the Field Cornet of the district to hold themselves in readiness to render service on commando.

The matter will be referred without delay to the local authority for enquiry, but I can already assure you by anticipation that no such instructions have been given by this Government.

I have, &c.,
Conyngham Greene, Esq., C.B., PIET GROBLER.
British Agent.

(Translation.) Ministry for Foreign Affairs, Pretoria,
SIR, August 23, 1899.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant enclosing a certified copy of an affidavit sworn by Rosa Selina Lewis-Williams, complaining that the Field Cornet of Krugersdorp has refused to grant her a permit to send her horses and cows to the Colony.

The matter shall be investigated without delay and the result reported to you.

I have, &c.,
Conyngham Greene, Esq., C.B., PIET GROBLER.
British Agent, Pretoria.

Enclosure 5 in No. 5.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.

WITH reference to my despatch of yesterday's date, on the subject of commandeering of British subjects, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the Government of the South African Republic, enclosing a copy of a circular issued by the Commandant General, warning local officials against commandeering British subjects either for personal service or in respect of contributions of horses or arms; and, further, against any prohibition of the exportation, or sale for exportation, of horses, &c.

Your Excellency will notice that the circular states that it must be clearly understood by the officials in question that not a single foreigner, who does not voluntarily offer his services, may be called up or commandeered in the event of war, but it appears to me that the value of the whole circular is to a great extent nullified by the last clause, which gives it only a provisional effect, inasmuch as it states that the officials in question are "not to act in conflict with the terms of this circular, unless on further special instruction from the Government."

I have, &c.,
His Excellency, CONYNGHAM GREENE.
The High Commissioner, Cape Town.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
SIR, August 25, 1899.

FOR your information, I have the honour to transmit to you herewith a circular, issued by the Commandant General, with reference to the commandeering, &c. of foreigners.

I have, &c.,
PIET GROBLER,
Under Secretary of State for Foreign Affairs.

Conyngham Greene, Esq.,
British Agent, Pretoria.

"PRESS."—August 26th 1899.

The following circular has been issued by the General to all Commandants, Fieldcornets, and Assistant Fieldcornets :—

24th August 1899.

"With reference to certain complaints received by the Government to the effect that British subjects or Englishmen have been commandeered by some officers and officials, or warned to be ready with a horse, saddle, bridle, gun, and ammunition in the event of a commando; and that some officers have given shopkeepers or traders notice that their stores and places of business must be closed; also that they have prohibited British subjects or other persons from exporting horses, etc., or selling them for the purpose of exportation, I have the honour to hereby give you strict orders and strictly prohibit you from doing any such deed, which might compromise us and bring us into conflict with any other Power.

"It must, therefore, be clearly understood by you that not a single foreigner, of whatever nationality, who does not voluntarily offer, or has not voluntarily offered his services, may be called up or commandeered in the event of unwished for and undesirable war.

"Guard, therefore, against everything which may harm us or may cause trouble, and see that you do not act in conflict with the terms of this circular, unless on further special instructions from the Government.

"I am, etc.,
"P. J. JOUBERT,
"Commandant-General."

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 15, 1899.)

SIR, Government House, Cape Town, August 30, 1899.

IN continuation of my despatch of the 23rd instant, and with reference also to your telegram, No. 4, of the 23rd instant,* respecting the franchise proposals of the South African Republic, I have the honour to transmit for your information a copy of further correspondence on the subject.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

To H.M.'s Agt.,	Pretoria.	Tel.	24/8/99.	
From	"	"	24/8/99.	
"	"	"	25/8/99.	
"	"		22/8 99.	
			(Rec. 28/8/99.)	
"	"	"	23/8/99.	
			(Rec. 28/8/99.)	
From	"	"	26 8/99.	
			(Rec. 29/8/99.)	

Enclosure 1 in No. 6.

From the HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

24th August. No. 29. Please take action as soon as possible on following telegraphic instructions from Secretary of State:—

"You should call attention of British Agent to the following points of difference between the South African Republic Government's formal note and previous conversation between him and the State Attorney:—

1. There were to be no complicated conditions attached to the new law.

2. The new members for the Goldfields were to be allowed to use their own language.

3. The South African Republic Government were to discuss with Her Majesty's Government any future change in the election of President and Commandant-General.

4. They were to discuss with British Agent assisted by adviser the details of the new scheme. Any other points which arose in connection with it were to be discussed in the same way.

5. The two Governments were to exchange notes.

On all these points we assume that South African Republic Government adhere to proposals made by State Attorney, but desire to be assured by formal note that this is so.

A formal reply will be sent on receipt of this assurance."

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* Nos. 50 and 38 in [C. 9521].

Enclosure 2 in No. 6.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

24th August, 1899. No. 274. I have furnished State Attorney with memorandum of points of difference mentioned in your telegram of to-day, and he will discuss the matter with the State Secretary and Executive Council to-morrow.

Enclosure 3 in No. 6.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

25th August, 1899. No. 277 A. With reference to my telegram of 24th August, No. 274, State Attorney has sent me this afternoon a semi-official letter dated to-day as follows:—

"I have seen the State Secretary on the subject of the telegram received yesterday by you from your Government. The terms of a settlement embodied in the formal note of the 19th August from this Government were very carefully considered, and I do not believe that there is the slightest chance of their being amplified or altered. Your decision will therefore have to be arrived at on the terms as they stand."

At the same time I have received from the State Attorney a long private letter in which he disputes accuracy of my version of our conversation as regards the special points of difference mentioned by the Secretary of State, which was reported in my telegram of 14th August. I have sent you to-night copies of both letters, as the latter is too long to be telegraphed.

I shall await instructions as to whether I shall now act on your telegram of 24th by an official communication to the Government of the South African Republic in writing, or take any other steps. (GREENE.)

Enclosure 4 in No. 6.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 22, 1899.

WITH reference to my telegrams Nos. 268 and 269 of yesterday, I have the honour to transmit to Your Excellency herewith a copy of a private letter which I have received from the State Attorney, together with an official translation of a further note which I have received from the State Secretary, both dated yesterday, with reference to the proposals of the Government of the South African Republic on the subject of the political representation of the Uitlanders.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

DEAR MR. CONYNGHAM GREENE, August 21, 1899.

IN speaking to me yesterday about our despatch to you of Saturday, the President said that he thought one or two points might have been stated more clearly.

It is therefore not improbable that you will be requested to-day to cable over a few explanations, that is to say, if the Government really deems them necessary.

Yours, &c.,
J. C. SMUTS.

SIR, Ministry for Foreign Affairs, Pretoria, August 21, 1899.

IN continuation of my despatch of the 19th instant, and with reference to the communication to you of the State Attorney this morning, I wish to forward to you the following in explanation thereof, with the request that the same may be telegraphed to His Excellency the High Commissioner as forming part of the proposals of this Government embodied in the above-named despatch.

1. The proposals of this Government regarding the question of franchise and representation contained in that despatch must be regarded as expressly conditional on

Her Majesty's Government consenting to the points set forth in paragraph 5 of the despatch, viz.:

a. In future not to interfere in the internal affairs of the South African Republic.

b. Not to insist further on its assertion of the existence of the Suzerainty.

c. To agree to arbitration.

2. With reference to paragraph 6 of the despatch, this Government trusts that it is clear to Her Majesty's Government that this Government has not consulted the Volksraad as to this question, and will only do so when an affirmative reply to its proposals has been received from Her Majesty's Government.

I have, &c.,

F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 5 in No. 6.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 23, 1899.

I HAVE the honour to transmit to Your Excellency herewith a copy of a note which, in obedience to the instructions conveyed to me in your telegram of the 20th instant, I have addressed to the Government of the South African Republic enclosing a copy of the despatch of the Secretary of State to Your Excellency of the 27th of July, 1899, on the subject of the political representation of the Uitlanders.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 23 1899.

I HAVE the honour to transmit to you herewith, by desire of the High Commissioner, a copy of a despatch which has been addressed to His Excellency by the Secretary of State for the Colonies, on the subject of the political representation of the Uitlanders, and I am to express the hope of Her Majesty's Government that, in view of the urgent necessity of putting an end to the present unsettled state of affairs in South Africa, the Government of the South African Republic will find it possible to agree at an early date to the proposals made therein.

I have, &c.,

CONYNGHAM GREENE.

The Honourable
The State Secretary.

Enclosure 6 in No. 6.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.

IN connection with the rumour which has been current here for some time past that the Government of the South African Republic were about to grant a five years' franchise law, and increase the number of seats for the Gold Fields, I received deputations, on the 19th and 21st instant, of the Uitlander Council and of the South African League, who desired to speak to me on the subject.

In accordance with a suggestion from me, these bodies have, since our interview, held meetings to discuss the eventuality in question, and have at my request now put their views in writing for Your Excellency's information.

I have the honour to enclose copies of these documents.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Johannesburg, August 25, 1899.

WITH reference to the conversation I had with you on the 19th instant, in Pretoria, on the rumoured offer of the Transvaal Government to grant a franchise law with five years' residential qualification and without pitfalls and entanglements, I have given the most careful consideration to the question, and ascertained the views of the Uitlander Council regarding it. I understand that the proposal will be:—

1. Franchise law in plain, definite, practical fashion, without entanglements; and with a five years' qualification.
2. Five new members for the Witwatersrand.

In the first place, from an investigation as to the effect of a five years' franchise, it has been demonstrated that only a comparatively small number of Uitlanders could obtain it, owing to the fact that immigrants of the year 1895, during which the great influx of population took place, would for the present be excluded.

The whole position, however, has so materially changed since the Bloemfontein Conference, that it is now clearly evident that a basis of settlement which would then have been accepted with all good faith, will not now meet the necessities of the situation. At the time of the Conference it was hoped the Transvaal Government would have met Sir Alfred Milner's proposals in a frank and conciliatory spirit, and under such conditions a settlement could readily have been arrived at. Instead of that consideration which the gravity and justice of the Uitlander claims demanded, we have had a constant display at the Conference, and since, of the most hostile and uncompromising spirit towards the Uitlanders. The violence and hostility evidenced in the Volksraad debates exceed all previous similar displays, and plainly show how futile it is to expect Government and Volksraad to have any friendly regard for our just claims. No more significant evidence of the future intentions of Government could be adduced than the fact recently published that some 149,000 rifles had been brought by them into the country—a number five times more than sufficient to arm all the Boers in the Transvaal. Taken in conjunction with importations of other armaments, etc., no construction can be put upon this action than that the Government has some ulterior designs inimical to British interests, not only here but elsewhere, and directed in the first instance to the complete subjugation of the Uitlanders.

Under these circumstances we are compelled to come to the conclusion that with a five years' franchise and only five extra seats in the Volksraad, the Uitlanders would be placed in a hopeless and contemptible position, and reform from within would be an impossibility.

This statement may appear to be somewhat at variance with the resolution unanimously adopted at the Uitlanders' Meeting on the 10th June, 1899, but, as I before mentioned to you, that resolution was accepted in a spirit of loyalty to Sir Alfred Milner, and against the better judgment of many of those present. In fact, as Chairman of the meeting, I had the greatest difficulty in preventing the moving of an amendment asserting that a two years' qualification was sufficient, and would be more in consonance with the practice throughout the rest of South Africa.

I am convinced that any measure of enfranchisement that does not at the same time carry with it a complete measure of reform with regard to the chief abuses in administration under which we suffer, will be disastrous in its effects.

As a matter of equity we have every claim to revert to the position regarding the franchise as in 1881, at the time of the retrocession. President Kruger stated (No. 244) when negotiating the Convention of 1881, in reply to a question by Sir E. Wood, as to privileges of British subjects:

> "We make no distinction in so far as burgher rights are concerned. There might perhaps be some small difference in the case of a young person who has just come into the country."

Subsequently at Newcastle on Thursday the 26th May, 1881, Dr. Jorrissen said:

> "In No. 244 the question was: 'Is there any difference regarding the privileges or rights of Englishmen in the Transvaal?' and Mr. Kruger answered, 'No, there is no difference,' and then he added, 'There may be a small difference in the case that it was a young person who had just arrived in the country.' . . . . . What Mr. Kruger wanted to say was this: 'According to our law a new arrival does not immediately receive his burgher rights.' The words 'young person' do not refer to age, but to the time of residence in the Transvaal. According to our old Grondwet (Constitution), one was required to remain one year in the country."

The position since then has been clearly defined by the Marquess of Salisbury in the House of Lords on the 28th ultimo. He said, referring to equal rights:

> "However, that was no doubt the view of our policy to which President Kruger assented in that well-known protocol, and it was the view to which he was bound during the rest of his political career in connection with the Transvaal State. But he took the exactly opposite line. Throughout the whole of the period that has elapsed since 1881, his one effort has been to separate the English and Republican Governments; to draw the two nations into two camps; to give to the Dutch a superiority to which their numbers gave them no title; and to reduce the English to a condition, almost of a conquered, certainly of a subjugated race."

That statement exactly described the position of the British in the Transvaal. I therefore with confidence say:

> That the suggested proposals for representation are altogether inadequate.
>
> That they would perpetuate our disabilities and provide no adequate means for reform.
>
> That abuses in administration, to which we now so strongly object, would go on unchecked.
>
> That the ultimate result would be civil war in the Transvaal, and probably the extension of such a war to the whole of South Africa.

I am confident that no measure of enfranchisement will be satisfactory that does not also include the prior reform of abuses and provision for:—

1. Equal language rights.
2. Disarmament of the Boer population, and demolition of the forts.
3. Right of public meeting with freedom of speech and of the Press.
4. Abolition of industrial monopolies.
5. Removal of religious disabilities.
6. Provision for the independence of the High Court.
7. Right to vote for election of President and Commandant-General.
8. Local Government with power to appoint local officials and to control the police.

The franchise law must be clear, simple, and effective. To obtain enfranchisement nothing must be left to the caprice of the Registration Officer. Enfranchisement must be by defined regulations and right, and not by favour. No matter what proportion of members may be provided for now in the First Volksraad, the principle of proportional representation should be adopted so as to operate absolutely and mechanically. This principle of proportional representation must be embodied in the franchise and redistribution laws, which laws must also contain provision rendering alterations in them impossible for a period of ten years after their enactment, unless with the unanimous consent of the Raad members.

Enfranchisement must carry full and absolutely equal rights to all burghers. All burghers having equal rights, the Second Raad would necessarily be abrogated.

Then comes the question of Guarantees. Nothing short of material guarantees would be of any service. If the Transvaal Government genuinely desire to give representation to the newer population, and to reform abuses, it should agree without difficulty to such pledges for the fulfilment of its obligations. Those guarantees could best be given by:—

(*a*) Disarmament, and demolition of the forts, and
(*b*) Some material guarantee more substantial than mere paper conventions.

I am firmly convinced that unless these reforms, guaranteed to the full, as I have stated, are effected, any settlement short of them will only prepare the way for greater unrest than ever, delay to all industrial and commercial advance in South Africa, and ultimate civil war between the Boers and the British. Without disarmament and effective guarantees the future position of the population in the Transvaal would be that of two armed and hostile camps. The curse and burden of militarism in its worst form would have to be borne, and its evil effects would extend throughout South Africa.

Accompanying the reform measures already referred to, and as probably the best means of giving them full effect, I would strongly urge the desirability of considering a scheme of home rule for the Rand. If a wide measure of home rule could be secured, giving the right of appointment of local officials, and the control of the police, we should

be freed from the incubus of Boer maladministration and monopolies, and the other reforms suggested would be of more practical value.

The importance of the questions I have herein discussed must be my apology for the frankness with which I have stated my views.

I have, &c.,
WM. S. HOSKEN,
Chairman of the Uitlander Council.

Conyngham Greene, Esq., C.B.,
Her Britannic Majesty's Agent,
Pretoria.

SIR, Johannesburg, August 22, 1899.

REVERTING to our conversation of yesterday, when you informed us that it was possible that the Government of the South African Republic would make a proposal to grant the Franchise on a five years' basis free from the present restrictions, I now beg to inform you that, in my opinion, the South African League would be prepared to accept such a proposal as the basis of a settlement, provided the following matters formed an integral part of any such settlement. These are briefly:—

1. Substantial representation in the Raad—proportional to the population, and founded on an automatic basis.
2. The removal of religious disabilities.
3. Equal rights to English and Dutch languages.
4. The independence of the High Court.
5. The free right of public meeting, and formation and holding electoral committees.
6. The abolition of forts.
7. The right of all persons to bear arms.
8. Proper Local Government for the Rand, and
9. Comprehensive registration laws.

But the League has the strongest opinion that no final and satisfactory settlement of the present difficulty can be arrived at unless these matters are bound up and incorporated with any scheme of franchise reform proposed by the Government of the South African Republic. The League desires that any settlement should be final and satisfactory to all parties, so as to obviate any recurrence of the present troubles.

From my position in the League I am justified in stating that, in my opinion, few would accept the franchise if these important details were unprovided for in any settlement carried out under the direction of Her Majesty's Government.

I have further to point out that I would desire the above statement to be considered as made without prejudice to the right of the League to claim the franchise on the lines laid down by the Law of 1876, to which referred to [*sic*] yesterday, in case the proposal of the Government of the South African Republic failed in any of the above conditions.

I am, &c.;
J. DOUGLAS FORSTER,
President, South African League (Transvaal Province).

Conyngham Greene, Esq., C.B.,
Her Majesty's Agent.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Despatched 11 p.m., 16th September; received 7.30 a.m., September 17, 1899.)

TELEGRAM.

[*Answered by No.* 12.]

16th September. No. 4. Following is South African Republic Government reply:—

Begins:

SIR,—South African Republic Government have had the honour to acknowledge receipt of your note 12th September, in answer to their note 2nd September.

In answer, this Government wishes to state that it learns with a feeling of deep regret that it must understand that Her Majesty's Government withdraws from the invitation sent in your letter of 23rd August, and accepted by this Government, and substitutes in its place an entirely new proposal.

The proposal which has now lapsed, contained in the letters of this Government of 19th August and 21st August, was induced by suggestions given by British Agent to State Attorney, and these were accepted by this Government in good faith, and on express request, as equivalent to an assurance that the proposal would be acceptable to Her Majesty's Government.

It was in no way the object of this Government, either then or now, to make any needless recapitulations of its contention about its political status as an independent State as defined by Convention of London, 1884, but only to try to put an end to the state of tension by meeting Her Majesty's Government upon a proposal which it supposed to be constituted, both in spirit and in form, in such a way as it was given to understand to be satisfactory to Her Majesty's Government.

This Government cannot disguise from itself that in making the proposals contained in its note of 19th August, it probably ran the danger not only of its being disclaimed by South African Republic Volksraad and people, but also that its acceptance might affect the independence of State by, as therein proposed, giving an immediate vote in the Legislature of the State to a large number of inpouring Uitlanders, but it set against that the continuous threatening and undoubted danger to its highly-prized independence arising from claim of suzerainty made by Her Majesty's Government, from the interference of that Government in the internal affairs of this Republic, and from the want of an automatically working manner of regulating differences between Her Majesty's Government and this Government, and was in consequence prepared to recommend to South African Republic Volksraad and to people to run the danger attached to offer made, in order to avoid the certainty of the greater danger.

Inasmuch, however, as the conditions attached to the proposal, the acceptance of which constituted the only consideration for its offer, have been declared unacceptable, it cannot understand on what grounds of justice it can be expected that it should be bound to grant the rest, and with a view to the assurance given by Secretary of State for Colonies that he would not consider the said offer as a refusal in answer to his invitation to a joint inquiry based upon existing franchise law and scheme of representation for Witwatersrand gold fields, it cannot understand why, as soon as this invitation was accepted (as was done by this Government in its note 2nd September), Her Majesty's Government declares that it cannot any longer agree to the inquiry on this subject, and for purposes which that Government itself proposes.

It is also not clear to this Government on what grounds Her Majesty's Government, after having recently by means of its invitation intimated that it could not declare without an inquiry whether franchise law and resolutions taken about representation would afford immediate and substantial representation to the Uitlanders in South African Republic is to-day in a position, without having made any inquiry so far as this Government is aware, before the law can have been tested in its operation, to declare that the measure just mentioned is insufficient for the object contemplated.

It trusts that it will clearly appear from the foregoing that Her Majesty's Government is under a misunderstanding, if it supposes that this Government has ever recognised that it has considered the lapsed proposal contained in letter 19th August, without the conditions imposed therein and repeated in the note 21st August, as a reasonable proposal, or made it as a proposal, and still less that this Government was, or is, of opinion that its earlier proposal could be extended with advantage to the Republic without observance of those conditions, or that the Republic would not suffer any violation of its independence.

However earnestly this Government also desires to find an immediate and satisfactory course by which existing tension should be brought to an end, it feels itself quite unable, as desired, to recommend or propose to South African Republic Volksraad and people the part of its proposal contained in paragraphs 1, 2, and 3 of its note 19th August, omitting the conditions on the acceptance of which alone the offer was based, but declares itself always still prepared to abide by its acceptance of the invitation [of] Her Majesty's Government to get a Joint Commission composed as intimated in its note of 2nd September. It considers that if conditions are contained in the existing franchise law which has been passed, and in the scheme of representation, which might tend to frustrate object contemplated, that it will attract the attention of the Commission, and thus be brought to the knowledge of this Government.

This Government has noticed with surprise the assertion that it had intimated to British Agent that the new members to be chosen for South African Republic Volksraad should be allowed to use their own language. If it is thereby intended that this Government would have agreed that any other than the language of the country would have been used in the deliberations of the Volksraad, it wishes to deny same in the strongest manner. Leaving aside fact that it is not competent to introduce any such radical change, they have, up to now, not been able to understand the necessity or even advisability of making a recommendation to the Volksraad in the spirit suggested. Hence also the immediate and express denial given to British Agent by State Attorney to any question of that nature.

Inasmuch as the proposal for any further Conference has been made specially dependent on the acceptance of a proposal which this Government does not feel at liberty to recommend to Volksraad, it would perhaps be premature to deal with it further at the present time. It merely wishes, however, to remark that it has not yet been made clear to it which are the definite questions which would be discussed [at] proposed Conference, and which could not be subjected to arbitration, but it is pleased to see that Her Majesty's Government thinks that they could readily be settled by means of friendly discussions, while it further welcomes with much pleasure prospect disclosed by Her Majesty's Government of the introduction of a Court of Arbitration for the decision of all points of difference and points to be discussed at the Conference, and is ready and willing to co-operate towards the composition of such a Court, and that the more as it is its firm intention to abide entirely by the Convention of London, 1884, as its efforts have been continuously to do.

Finally this Government continues to cherish hope that Her Majesty's Government on further consideration will feel itself free to abandon idea of making new proposals more difficult for this Government, and imposing new conditions, and will declare itself satisfied to abide by its own proposal for a Joint Commission as first proposed by Secretary of State for Colonies in Imperial Parliament, and subsequently proposed to this Government and accepted by it. If Her Majesty's Government is willing, and feels able to make this decision, it would put an end to the present state of tension, race hatred would decrease and die out, the prosperity and welfare of South African Republic and of whole of South Africa would be developed and furthered, and fraternization between the different nationalities would increase.

I have, &c.,
(Signed) F. W. REITZ,
State Secretary. *Ends.*

No. 8.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 19, 1899.)

TELEGRAM.

18th September. No. 3. British Agent in South African Republic reports by post it is proposed to bring immediately two Laws before Volksraad gravely affecting mining companies and property-holders in South African Republic.

First Law provides that if suspension of mining operations is considered inexpedient by Government of South African Republic in public interests, Government of South African Republic can withdraw owners' rights, and either hand over property to others or develop it themselves. Owners are then to be called on to remove [?] plant, &c., failing which Government of South African Republic may take over latter at price fixed by State Mining Engineer. On proclamation of martial law, Government of South African Republic may take any mines under its control and develop them, using the production for its own benefit. Owners to be compensated on repeal of martial law.

Second Law provides for confiscation of property belonging to persons guilty of public violence, high treason, *lèse majesté*, or incitement thereto, including persons outside Republic who form relations with foreign Powers, or their representatives, in order to persuade them to act inimically, or undertake war against the Republic, or to supply them with the means therefor.

No. 9.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.50 p.m., September 19, 1899.)

TELEGRAM.

19th September. No. 2. Lancashire Regiment is being dispatched to Kimberley; it will also guard Orange River Bridge.

I wired this morning to President Orange Free State as follows:—

"I have the honour to inform your Honour that it has been deemed advisable by the Imperial military authorities to send detachment of the troops ordinarily stationed at Cape Town to assist in securing the line of communication between the Colony and the British territories lying to the north of it. As this force, or a portion of it, may be stationed near the borders of the Orange Free State, I think it desirable to acquaint your Honour with this movement, and the reason for it, in order to prevent any misconception on the part of the Burghers of the Orange Free State of the object which the military authorities have in view. The movement in question is in no way directed against the Orange Free State, nor is it due to any anxiety as to the intention of the latter, as I rest fully satisfied with the declaration on this point contained in your Honour's telegram of 16th August last.*

"I take this opportunity of making a general statement of the attitude of Her Majesty's Government at the present juncture, which, in view of the many current misapprehensions on the subject, Her Majesty's Government have authorized me to convey to your Honour.

Her Majesty's Government still hope for a peaceful settlement with the Government of the South African Republic. Should this hope, however, unfortunately be disappointed, they look to the Government of the Orange Free State to preserve strict neutrality and to prevent any military intervention by any of its citizens. They are prepared to give formal assurance that in that case the integrity of the territory of the Orange Free State will under all circumstances be strictly respected. There is, as far as Her Majesty's Government are aware, absolutely no cause to justify any disturbance of the friendly relations between Great Britain and the Orange Free State. It is entirely untrue that Her Majesty's Government desire to impair the independence of the Orange Free State, towards which Republic they are animated by the most friendly sentiments."

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* *See* No. 31 in [C. 9521].

He has just replied as follows:-

Begins: Your Excellency's telegram of this day. I share with your Excellency the hopefulness of a friendly settlement of the differences which have arisen between Her Majesty's Government and the Government of South African Republic being still arrived at. I cannot even now see that those differences justify the use of force as the only solution thereof. Both on this account and seeing the existing state of tension here as elsewhere in South Africa, I note with apprehension and regret the intention of Her Majesty's Government to send detachments of the troops ordinarily stationed at Cape Town northwards, with a view to having same or any portion thereof, stationed near the border of this State. Whilst this Government will continue to do all in their power to allay excitement, I cannot help impressing upon your Excellency the fact that if the proposed course be pursued, following as it will on other military preparations near our border, it will not improbably be considered by our Burghers as a menace to this State, and will [?] in any case naturally create a very strong feeling of distrust and unrest amongst them. If unwished-for developments should arise therefrom, the responsibility will not rest with this Government.

I will submit your Excellency's telegram to the Volksraad early in its session, which opens on Thursday next and meanwhile beg to assure your Excellency that this Government would view with deep regret any disturbance of those friendly relations which have hitherto existed between Great Britain and this State. *Ends.*

No. 10.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 22, 1899.)

[*Answered by No.* 14.]

TELEGRAM.

(Extract.)

September 21st. No. 4.—Ministers have just sent me a Minute asking me to forward the following message for the consideration of Her Majesty's Government:—

Ministers unanimously beg Her Majesty's Government to believe that their best efforts have been spent in endeavouring to aid in securing a peaceful and satisfactory settlement of the Transvaal crisis and to weigh well their earnest conviction that the situation is now one in which great efforts should be made by the exercise of a spirit of magnanimous compromise to avert the calamity which seriously threatens the British provinces in South Africa and not only the Republics. It is not open to doubt that the issue of a war could only be a victory for the Imperial arms, but the evil consequences of the perhaps prolonged struggle which would take place would be far-reaching and abiding for generations, and would affect alike the European and the native populations.

They desire me to add that this message is an indication that they are deeply persuaded that the main, they fear the only, hope of avoiding such a calamity is a large measure of consideration shown by Her Majesty's Government at the present juncture, a consideration which would not only not impair but truly strengthen the foundations of the Empire in South Africa.

No. 11.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 4.45 p.m., September 22, 1899.)

Telegram.

[*Answered by No.* 20.]

22nd September. No. 2. Inform President Steyn that it is reported here that in his speech to the Volksraad yesterday he said that the Transvaal had been decoyed by Mr. Greene, and that he virtually accused the Imperial Government of bad faith. Say that Her Majesty's Government cannot believe that the President used language so inconsistent with international courtesy, and that they trust that he will be able to give a public and unqualified denial to the report.

No. 12.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 10.15 p.m., September 22, 1899.)

Telegram.

22nd September. No. 5. I have to acknowledge receipt of your telegram, No. 4, 16th September,* conveying reply of the Government of the South African Republic to note of British Agent conveying communication of Her Majesty's Government contained in my telegram to you of 8th September, No. 5.† The offer therein made by Her Majesty's Government was moderate and conciliatory, and they have to express their profound regret that reply of Government of the South African Republic is a refusal to accept it.

Her Majesty's Government have on more than one occasion repeated their assurances that they have no desire to interfere in any way with independence of South African Republic, provided that the conditions on which it was granted are honourably observed in the spirit and in the letter, and they have offered as part of a general settlement to give a complete guarantee against any attack upon that independence, either from within any part of the British dominions or from the territory of a foreign State.

They have not asserted any rights of interference in the internal affairs of the Republic other than those which are derived from the Conventions between the two countries or which belong to every neighbouring Government (and especially to one which has a largely predominant interest in the adjacent territories) for the protection of its subjects and of its adjoining possessions. But they have been compelled by the action of Government of the South African Republic, who have in their note of 9th May, 1899,‡ asserted the right of the Republic to be a Sovereign International State, absolutely to deny and repudiate this claim.

The object which Her Majesty's Government have had in view in the recent negotiations has been stated in a manner which cannot admit of misapprehension, viz., to obtain such a substantial and immediate representation for the Uitlanders in the South African Republic as Her Majesty's Government hoped would relieve them from any necessity for further interference on their behalf, and would enable the Uitlanders to secure for themselves that fair and just treatment which was formally promised to them in 1881, and which Her Majesty intended to secure for them when she granted the privilege of self-government to the inhabitants of the Transvaal.

As was stated in my telegram of 8th September,† Her Majesty's Government are of opinion that no conditions less comprehensive than those contained in their offer of that date can be relied upon to effect this object.

The refusal of the Government of the South African Republic to entertain the offer thus made, coming as it does at the end of nearly four months of protracted negotiations, themselves the climax of an agitation extending over a period of more than five

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* No. 7. † No. 52 in [C. 9521]. ‡ Enclosure in No. 7 in [C. 9507].

years, makes it useless to further pursue a discussion on the lines hitherto followed, and Her Majesty's Government are now compelled to consider the situation afresh, and to formulate their own proposals for a final settlement of the issues which have been created in South Africa by the policy constantly followed for many years by the Government of the South African Republic. They will communicate to you the result of their deliberations in a later despatch.

Communicate as above to Government of South African Republic.

No. 13.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.27 p.m., September 22, 1899.)

TELEGRAM.

22nd September. No. 6. Communicate following to Government South African Republic:—

Her Majesty's Government cannot pass over in silence the charge of a breach of faith which is practically insinuated in the letter from the State Secretary of the South African Republic forwarded to me in your telegram, No. 4, of the 16th September.*

The proposals made by the Government of the South African Republic in the letters from the State Secretary, dated 19th and 21st August,† were not "induced by suggestions given by the British Agent to the State Attorney." On the contrary, State Attorney sounded British Agent both in writing and in conversation as to the conditions on which Her Majesty's Government would waive their invitation to a joint inquiry, and the result of these communications was the proposals made by the Government of the South African Republic in those letters.

Government of the South African Republic state in the letter from the State Secretary, conveyed in your telegram, No. 4, of the 16th September,* that they understood that their proposals were "constituted both in spirit and in form" in a manner satisfactory to Her Majesty's Government.

It is impossible that the Government of the South African Republic could, in making their proposals, have been in any doubt as to the answer which Her Majesty's Government would give to the conditions attached to them. The answer actually given by Her Majesty's Government in my telegram to you, No. 1, of the 28th August,‡ and which the Government of the South African Republic allege as their reason for withdrawing from their offer was precisely that which the British Agent had foreshadowed to the State Attorney, and which, therefore, they must have anticipated in making their proposals.

Nor can Her Majesty's Government admit that it was my telegram, No. 5, of the 8th September,§ which substituted "an entirely new proposal" for the invitation to a Joint Commission of Inquiry.

In order to demonstrate inaccuracy of this contention, it is sufficient to quote opening words of the note of the State Secretary, dated the 19th August, which were as follows:—

"With reference to your proposal for a Joint Inquiry, contained in your despatches of the 2nd and 3rd August, Government of South African Republic have the honour to suggest the following alternative proposal."

Then followed the very proposals as to representation which Her Majesty's Government are stated to have "substituted" for their invitation. In making this communication the Government of the South African Republic assumed that Her Majesty's Government would agree to their suggestions as to non-interference and suzerainty, but it was only in a separate note from the State Secretary, dated two days later, that the proposals for franchise and representation were stated to be expressly conditional on the acceptance by Her Majesty's Government of these assumptions.

Her Majesty's Government are therefore unable to see any grounds for misapprehension on the part of the South African Republic as to the answer which would be given with regard to non-interference and suzerainty, and Her Majesty's Government desire to further point out that the substantive condition which was at first attached to the proposals of the Government of the South African Republic was that Her Majesty's Government would not press for the appointment of a Joint Commission of

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* No. 7. † *See* No. 36 in [C. 9521]. ‡ No. 43 in [C. 9521]. § No. 52 in [C. 9521].

Inquiry, as such an inquiry would, in the opinion of the Government of the South African Republic, as stated in their note of the 12th August, prejudice the right of full independence in internal affairs repeatedly recognized by Great Britain.

With regard to use of English language by the Uitlander Members of Volksraad, the proposal seems to Her Majesty's Government to be as reasonable as is privilege of using Dutch language enjoyed by Dutch members of Legislature of the Cape Colony or the facultative use of either German, French, or Italian in the Legislature of Swiss Confederation, and Her Majesty's Government can only express their astonishment that the Government of the South African Republic should characterize it as unnecessary and inadvisable, and should make a point of denying in the strongest manner that they could ever have made such a proposal to British Agent through the State Attorney.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.55 p.m., September 25, 1899.)

TELEGRAM.

25th September. No. 2. Inform your Ministers in reply to their message contained in your telegram of 21st September, No. 4,* that Her Majesty's Government appreciate their anxiety; that Her Majesty's Government have shown, and will continue to show, every consideration to the Government of the South African Republic consistent with the maintenance of British interests; that they profoundly deplore the fact that up to the present all their efforts to secure a peaceful and satisfactory settlement have been unsuccessful, but that it is still open to the Government of South African Republic to do so without any sacrifice of its independence.

No. 15.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received September 27, 1899.)

SIR, Government House, Cape Town, September 5, 1899.

I HAVE the honour to enclose for your information, with reference to your telegram of the 23rd ultimo (No. 3),† a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the publication of newspaper articles threatening the murder of British subjects.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 15.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.

I HAVE the honour to transmit to Your Excellency herewith a copy of a Note which, in accordance with the instructions contained in Your Excellency's telegram, No. 30, of August 24th, I have addressed to the State Secretary, calling the attention of the Government of the South African Republic to the articles which have appeared in the newspapers threatening the murder of British subjects, and pressing that action may be taken to prevent the publication of such articles.

I have also the honour to enclose a telegram which I have addressed to the British Vice-Consul at Johannesburg, requesting him to inform the Uitlander Council accordingly.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

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* No. 10. † No. 22 in [C. 9521].

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.

THE attention of the Secretary of State has been called to certain articles which have appeared in the Transvaal newspapers threatening the lives of British subjects. I am endeavouring to obtain as complete a list as possible of the articles in question, which I shall forward to you, but in the meantime the Secretary of State desires that the attention of the Government of the South African Republic may be drawn to the fact that articles which threaten the murder of British subjects have appeared in the Press, and instructs me to press that action may be taken to prevent the publication of such articles.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

Telegram to BRITISH VICE-CONSUL, Johannesburg.

August 25, 1899.

Please inform Chairman of Uitlander Council in connection with his letter to me of July 18th, that, in accordance with instructions from the Secretary of State, I am calling the attention of the Government of the South African Republic to newspaper articles threatening the murder of British subjects, and am pressing for action to be taken to prevent the publication of such articles. With reference to my private letter of yesterday, please ask Uitlander Council to co-operate in obtaining for me exhaustive evidence of this press campaign from as far back as possible of threats against British subjects, for representation to the Government here, and for communication to Her Majesty's Government.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 27, 1899.)

SIR, Government House, Cape Town, September 6, 1899.

IN continuation of my despatch of the 30th ultimo,* respecting the political representation of the Uitlanders in the South African Republic, I have the honour to transmit to you, for your information, copies of further correspondence with Her Majesty's Agent at Pretoria on the subject.

From	H.M.	Agent,	Telegram	283.	31/8/99.
To	,,	,,	,,	39.	31/8/99.
From	,,	,,	,,	284.	31/8/99.
From	,,	,,	,,	285.	31/8/99.
From	,,	,,	Despatch	300.	26/8/99.
From	,,	,,	,,	305.	1/9/99.
From	,,	,,	Telegram	298.	5/9/99.
To	,,	,,	,,	45.	5/9/99.
From	,,	,,	Despatch	306.	2/9/99.
From	,,	,,	,,	307.	3/9/99.

With regard to one point dealt with in these enclosures—the nature of the semi-official communications between Mr. Conyngham Greene and the State Attorney, with respect to the franchise proposals of the South African Republic embodied in their notes of the 19th and 21st August—I enclose an extract from the "South African News" of the 5th instant, reproducing a statement which appeared in the "Free State Express," and which has generally been adopted by the Afrikander Press as representing what actually passed. This statement is, for the most part, at variance with both the facts as known to you and the account given by Mr. Greene in his despatch of the 26th August, and I have no doubt that you will agree with me in thinking that Mr. Greene's explanation fully justifies him in sending the two telegrams of the 25th August, No. 277 A and B, which I cabled† to you at the time. With the despatch just referred to, Mr. Greene sent me the original draft of the first of these telegrams (No. 277 A) as annotated in Mr. Smuts's handwriting, and also the type-written draft of a simplified franchise law, with pencilled amendments, accepted by Mr. Smuts. I enclose copies of these with the alterations shown in red ink.‡

Turning to the main question, the Government of the South African Republic have formally withdrawn the proposals for a five years' franchise and eight new seats for the Uitlander population, but they make no serious attempt to deal with the situation created by this action. In the second paragraph of their note of the 2nd September they appear to maintain their objections to your first proposal for a joint enquiry into

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* No. 6. † No. 1 in [C. 9521]. ‡ Shown here in italic and obliterated type.

the effect of the franchise measures recently adopted, while in the 10th paragraph they ask for further information as to the views of Her Majesty's Government with regard to the composition of the Commission and the time and place of meeting. The inference is that the Government of the South African Republic, pursuing their usual dilatory tactics, desire to prolong the present crisis by engaging Her Majesty's Government in a correspondence on these matters of detail, while leaving themselves free to reject the whole proposal when the correspondence has served its purpose. To attempt to deal with the situation by despatch would, however, be a mere waste of time, as the position will doubtless have entirely altered before the present despatch reaches your hands, and the present state of affairs is now so grave that it will be necessary for Her Majesty's Government to base their further action on such information as I am able to furnish by telegraph.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

August 31st. No. 283. Urgent. This morning the newspapers have as usual published a wholly incomplete summary of my note to this Government of yesterday, omitting all reference to our independent enquiry compromise. Do you wish me to publish complete text of my note informing the State Secretary of the reasons for which I have done so.—GREENE.

Enclosure 2 in No. 16.

From the HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

31st August, 1899. No. 39. Your telegram, No. 283. You should for the moment confine yourself to informing Press that summary is misleading and incomplete.

Enclosure 3 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

August 31st. No. 284. I am informed that in the Volksraad this morning the Secretary of State's despatch of July 27th, the note to me from this Government of August 19th, and my note to the Government of the South African Republic of yesterday were read out, and the House summoned to meet again in secret session at 7 o'clock to-night, to consider these papers. Owing to the fact that a wholly incomplete and inaccurate summary of my note of yesterday had as usual appeared in this morning's newspapers, from which, for instance, all reference to the proposed enquiry by the British Agent was omitted, I have handed to the local representative of the Press the complete text of my note, and requested them to publish, in order to correct the misleading summary derived from I know not what source which they had previously published of the real contents of the note.—GREENE.

Enclosure 4 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

31st August, 1899. No. 285. Referring to your telegram, 38, following received from State Secretary, South African Republic:—*Begins:*

In reply to your notes of yesterday and to-day, conveying desire of High Commis-

sioner that the answer of South African Republic to the official despatch which you handed yesterday shall not in any case be deferred beyond Saturday, I give you herewith assurance that unless something quite unforeseen should prevent, reply of South African Republic will be delivered you not later than Saturday next.—GREENE.

Enclosure 5 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.

WITH reference to my telegrams, No. 277 A and B of yesterday, I have the honour to transmit to Your Excellency herewith copies of a semi-official and of a private letter which I have received from the State Attorney, dated yesterday, on the subject of the pending negotiations with the Government of the South African Republic on the question of the political representation of the Uitlanders.

The former of the two letters, as Your Excellency will observe, informs me that the proposals put forward by this Government in its official note of the 19th instant will not be altered or amplified, and that the decision of Her Majesty's Government will have to be arrived at on those terms as they stand; while the private letter disputes the accuracy of my version of my conversation with the State Attorney recorded in my telegram to Your Excellency, No. 248 B of the 14th instant.

Before referring to these communications in detail, I venture to remind Your Excellency very briefly of the history of the negotiations.

About a fortnight ago the State Attorney sounded me on behalf of his Government as to how Her Majesty's Government would be likely to view an offer on the part of the Transvaal Government of a seven years' retrospective franchise with an increase of seats, in return for the withdrawal of the demand of Her Majesty's Government for a joint inquiry, and for certain other assurances in the matter of the suzerainty, non-interference in the internal affairs of the Republic, and arbitration. I would not, as Your Excellency is aware, at the time agree to make any suggestions on the seven years' basis, but I consented to recommend the scheme for the consideration of Her Majesty's Government when it had been amended to a five years' franchise, eight new seats for the Gold Fields, a simple franchise law and other advantages.

In agreeing to put forward these proposals and to recommend them to the serious attention of Her Majesty's Government I was guided by the following considerations.

It was the first time in my whole experience of diplomatic work here that the Government of the South African Republic had ever *approached* Her Majesty's Government. Up till now our diplomatic intercourse had consisted of an interminable interchange of recriminating correspondence.

I had been given to understand that the Government were alarmed at the outlook at home. The Marquess of Salisbury and Mr. Chamberlain had just delivered important speeches in Parliament, and the South African Vote had been carried without a division, in the House of Commons. Large bodies of troops were stated to be in readiness in England, and an additional force prepared to embark for South Africa from India. It was evident that Her Majesty's Government were determined to come to a satisfactory solution of the Uitlander question, and I myself impressed this view on the State Attorney.

The assurances asked by the Government of the South African Republic on the question of suzerainty and non-interference did not amount, as explained to me by the State Attorney, to more than concessions to Boer susceptibilities; they were to be "assumed" by the Transvaal Government as being corollaries to their own proposals, but did not, in their original offer, take the form of a definite bargain. In any case they were matters for the decision of Her Majesty's Government on their merits and not for me.

I was aware that there was a section of the Uitlander population which would be satisfied with moderate concessions provided that they offered a reasonable prospect of speedily putting an end to the existing paralysis of business, and to the prevailing panic in private life, and held out some hope of a satisfactory settlement of the crisis otherwise than by the sword.

I felt that it would be difficult for me to refuse to submit to Her Majesty's Government a proposal which, as it was offered to me, professed to be a surrender—on the franchise issue—to the Bloemfontein minimum.

I feared that there was always the risk that the Transvaal Government might endeavour once more to forestall us by bringing forward another modified franchise law, independently of us, and thereby tie our hands; whereas by submitting the proposal made to me, they had now definitely committed themselves to consult us in the matter, a course which up till now they had resolutely refused to adopt.

Lastly I felt that, so long as I was here in a diplomatic capacity, as Her Majesty's Agent, it could only be the earnest desire of Her Majesty's Government that I should leave no stone unturned to fairly consider any advance, however unpromising, on the part of the Government of the South African Republic, and neglect no opportunity of endeavouring to arrive at a peaceful solution of the difficulty.

Acting on these considerations I communicated the proposals of the Government of the South African Republic, as advanced by the State Attorney, to Your Excellency, and in obedience to instructions received in reply, I invited the State Secretary to put these proposals forward in an official form,which he did in his note to me of the 19th of August.

I noticed at the time that there were omissions in, and discrepancies between this document and the scheme as originally agreed upon with the State Attorney, but as I had been desired by Your Excellency not to express any opinion on the details of the proposals, nor to see the note in draft form, I forwarded the latter to Your Excellency as it stood, without taking official notice of the special points of difference subsequently referred to by the Secretary of State.

I now propose to take those points of difference—five in number—in detail.

I will take the points Nos. 1 and 4 together as they both refer to the franchise. I cannot, I think, do better than enclose herewith the original of my telegram, No. 248 A, which, as Your Excellency will see, is initialed by the State Attorney himself and bears annotations in other places in his own handwriting. I feel therefore that it is unnecessary for me to add any further proof that the version I gave in that telegram of the 4th point of difference mentioned by the Secretary of State (that referring to the discussion of the scheme with the British Agent) is absolutely the version approved of by Mr. Smuts, but subsequently departed from in the official note of August 19th. As regards point No. 1 (the new law to be simplified), I cannot do better than enclose the original of the draft franchise law submitted to me by the State Attorney, and bearing corrections in the way of further simplification of conditions, agreed to between us at a meeting at Her Majesty's Agency.

I think it is clear from those documents that the State Attorney had agreed expressly to points 1 and 4 (franchise).

I now turn to point 5 (exchange of notes).

It was not my intention at the time I despatched my telegram, No. 248 B to Your Excellency, to convey that any proviso to this effect was to be embodied in the official proposal of the Government of the South African Republic. What I intended to convey was the suggestion that the guarantee of Her Majesty's Government of the Franchise scheme, a matter of the utmost importance to the Uitlanders, but a touchy point to the Transvaal Government, might be covered by the formal exchange of notes; in other words, that the exchange of the formal proposals of the Government of the South African Republic and the formal reply of Her Majesty's Government to those proposals, might in themselves constitute a sufficiently binding understanding between the two Governments, and obviate the necessity for another form of guarantee, which, however desirable from our point of view, might not be so acceptable to the Transvaal. I did not anticipate that Her Majesty's Government would be particularly eager to fall in with this form of guarantee, which was only desirable from a diplomatic point of view as a possible eventual compromise, and I did not therefore, for obvious reasons, suggest that it should be put forward in the original proposals. I do not, therefore, join issue with the State Attorney on this point of difference.

I now turn to the last two points, Nos. 2 and 3.

As regards No. 3 (election of President and Commandant-General), this is a matter which, as Your Excellency is aware from my telegram, No. 186 (which, I may add, I submitted some time back, on receipt of Your Excellency's telegram, No. 18, of the 17th instant, to the State Attorney for his approval, with a view to its publication in

the Blue Book), I have before now discussed with Mr. Smuts. It was from Mr. Smuts's own lips that I first learned, as the telegram shows, that any change was in contemplation in the manner of electing either of these officials, and it follows, I think, that I must have been perfectly acquainted with his views. It was for this reason that, when discussing with him the preliminary proposals set out in my telegram, No. 248 B, I was careful to obtain an admission from him that any future change in the manner of election of the President and Commandant-General should be discussed between the two Governments. I had more than once pointed out to him that a new scheme of election, say, by the majority of the Volksraad, as he had suggested as a possible modification, would entirely exclude the Uitlanders, with only one quarter representation in the Raad, from the chance of electing their own President, whereas, with a five years' franchise and a simplified law, it was quite possible that the new burghers might, before the next Presidential election, outnumber the old burghers, or at any rate bring enough voters to the poll to greatly influence, if they could not actually carry, the election.

I now turn to the last remaining point of difference, No. 2 (new members to use their own language). I may remark that, although this was a matter which, as Your Excellency is aware, I had already discussed with the State Attorney, I again referred to it on Friday last, on receipt of Your Excellency's telegram, No. 24. We were both thoroughly in accord in the matter, and I pointed out to Mr. Smuts that it would be pure waste of time to give the Uitlander community representation in the Volksraad and compel their members to speak in Dutch, or else hold their peace. How, I asked, could prominent Uitlanders like Mr. Rouliot, a Frenchman, Mr. Albu, a German, or one of our own people, represent his views if he were to be restricted to the use of a language of which nine-tenths of the Uitlanders were completely ignorant. I said that, however much I myself wished to see English and Dutch on an equal footing in the Transvaal, as in the Cape Colony, I would not put the matter on that ground for the sake of appearances, but merely base my case on the general ground that it was ridiculous to elect an Uitlander of whatever nationality for the Volksraad and expect him to speak a strange tongue. Mr. Smuts did not in the least dispute this argument, and, in fact, when he left me to lay the various points of difference before the Executive Council, I had no suspicion, as far as his remarks were any guide, that his opinions were not shared by his Government, which views I naturally presumed that, as a highly placed official, he was empowered to express.

Personally it was just on this very point (not to mention the question of the Presidential election) that I myself anticipated a hitch, and I was therefore all the more struck by the manner in which Mr. Smuts fell in with the reasonableness of my remarks.

I have nothing further to add on the points of difference. Your Excellency will understand how disagreeable it is for me to have to challenge Mr. Smuts's version of our conversation. The fact is, in my opinion, that whatever misunderstanding may have arisen between us both is not due to any misconception of each other's views, but simply to the probability that Mr. Smuts admitted more to me in conversation than his Government were subsequently prepared to endorse. At any rate, I can merely adhere to the accuracy of my version.

I need only add that Your Excellency will understand that I should indeed have hesitated in recommending any scheme to the serious consideration of Her Majesty's Government which was likely either to imperil the new burgher's chance of electing his own President, or to put ten Uitlander members into the Volksraad, and practically either restrict these representatives to the few persons who happened to be able to speak Dutch as well as their own language, or else oblige them to remain dumb spectators of the political conflict.

In conclusion, I need only remind Your Excellency that the proposals which were originally agreed upon between the State Attorney and myself, and reported to you in my telegrams, Nos. 248 A and B of August 14, were, when subsequently presented in the official note to me of August 19th, not adhered to; that these proposals, which in their original shape were of the nature of a friendly *rapprochement*, were subsequently reduced to a regular "Kaffir bargain," on the strict "do ut des" principle, by the second note to me from the Government of the 21st of August; and lastly that, even then, these reservations were further accentuated by the semi-official and the private letter to me from the State Attorney of August 25th.

Having regard to all the above circumstances, Your Excellency will, I think, agree

with me that it is difficult to avoid the conclusion that, even if the State Attorney was, at the outset, actuated by a sincere desire to bring about an understanding, yet the subsequent course of the negotiations was hardly such as to inspire absolute confidence in the *bona fides* of the Government of which he was acting as the representative.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

State Attorney's Office, Pretoria,
August 25, 1899.

DEAR MR. CONYNGHAM GREENE,

I HAVE seen Mr. Reitz in reference to the wire which you received from your Government yesterday (Secretary of State to High Commissioner, August 23, 1899.)

The terms of a settlement as embodied in the formal note of this Government, dated 19th August, were very carefully considered, and I do not believe that there is the slightest chance that those terms will be altered or amplified. Your decision will therefore have to be arrived at on those terms as they stand.

Yours, &c.,
J. C. SMUTS.

(Private.)

State Attorney's Office, Pretoria,
August 25, 1899.

DEAR MR. CONYNGHAM GREENE,

I HAVE referred to my notes of conversations we have had together on various subjects in connection with the Franchise Law, and which Mr. Chamberlain refers to in his telegram to you of yesterday.

I find that in July you spoke to me about the language question, and that I then said to you that in my opinion it would do no good to raise that point, as it would probably settle itself in case a member of the Volksraad should be unable to express himself in the official language. I referred specially to the case of a man like Mr. George Albu, as you will probably recollect.

Again on August 13th and 14th we talked over the same subject, and I again expressed my opinion that this question should not be raised between the two Governments, as it would be decided as a party question in the Volksraad itself.

Your private telegram to the High Commissioner of 14th August, of which you gave me a copy last night, attributes to me the statement that members for the Gold Fields would be permitted to speak in their own tongue. This, however, is obviously due to a misunderstanding, as it was my intention all along to convey to you my impression that it would be a mistake to make the language question a point between the two Governments.

With regard to discussing with you future changes of the mode of electing the President and Commandant-General, my notes do not go further than the paragraph in your telegram of August 14th, embodying the terms of a settlement. I have at various times mentioned to you a possible mode of arranging these elections, but I do not remember having gone further than the statement that new burgher population would have the same elective power as the old.

I am very sorry that this misunderstanding should have arisen and produced an apparently wrong impression on the minds of Her Majesty's Government. I never intended these conversations to be conveyed to your Government, and would have spoken in such terms as to have removed all possible cause of misunderstanding from your mind.

Yours, &c.,
J. C. SMUTS.

Enclosure 6 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 1, 1899.

I HAVE the honour to report that on the receipt of Your Excellency's telegram, No. 36, of the 29th of August, I drew up the note of which a copy is enclosed to the Government of the South African Republic, and handed it on the following day in person to the State Secretary.

Mr. Reitz read over the note in my presence, but would not commit himself in any way as to the probable nature of the reply which his Government might return to it, and I myself did not press him for an expression of his own personal views.

After the note had been read, I explained to Mr. Reitz that Her Majesty's Government had taken note of the desire of the South African Republic, as expressed in their note to me of the 19th of August, for an early settlement of the questions in dispute, and that they fully shared it, but that I was instructed to point out that the Government of the South African Republic had taken more than a fortnight to reply to the last offer of Her Majesty's Government, and, indeed, had in all cases been very slow in replying to my official communications. I was therefore, I said, instructed to express the hope of Her Majesty's Government that on the present occasion they might be favoured with an immediate reply to the note which I had just handed in.

I suggested that the State Secretary should agree to give me the reply of his Government by Saturday, the 2nd of September.

In reply, Mr. Reitz said that as the Volksraad was sitting, and there were two clear days in hand in which to consider the communication of Her Majesty's Government, he would endeavour to let me have a reply by the date suggested by me.

Before leaving, I took the opportunity of speaking very plainly to Mr. Reitz, as an expression, of course, of my own personal opinion only, as to the seriousness of the situation. I reminded him of the recent utterances of the Prime Minister on the Transvaal question, and of the important speech delivered as lately as Saturday last at Birmingham by the Secretary of State for the Colonies. I could not, I said, help feeling that if the reply of the Government of the South African Republic to the present communication from Her Majesty's Government which I had just handed in were not to be prompt and satisfactory, and if it became necessary for Her Majesty's Government to despatch further troops to South Africa, it was only to be expected that they would feel justified in withdrawing their previous suggestion for a compromise. In that case, I said that I felt convinced that Her Majesty's Government would formulate their own demands for a settlement, not only of the Uitlander question, but also of the future relations that should subsist between Great Britain and the Transvaal State.

In conclusion, I said that it might be desirable to record the wishes of Her Majesty's Government with respect to an early reply in some formal way, and I suggested that I should send to Mr. Reitz a semi-official note in the above sense.

Accordingly, on my return home, I addressed the letter of which a copy is enclosed, to Mr. Reitz, and subsequently, on receipt of Your Excellency's telegram, No. 38, of the 31st of August, sent him a further communication, emphasizing the desire of Her Majesty's Government for an immediate answer.

Copies of my letter and of Mr. Reitz's reply are annexed.

Yesterday morning the President entered the Volksraad, and, addressing the House, said that he wished to submit to the Raad the latest correspondence that had passed between his Government and that of Her Majesty, and added that he would then ask the Raad to meet in secret session the same evening at 7 o'clock. The State Secretary then read the despatch from the Secretary of State to Your Excellency of the 27th of July, the notes from the Government of the South African Republic to myself of the 19th and 21st of August, and my note to the Government of the 30th of the same month.

After these documents had been read, the President rose and made an explanatory statement as to the words used by him and quoted in the Secretary of State's despatch above referred to, at the Conference held at Newcastle in May, 1881. Subsequently Mr. A. D. Wolmarans and the State Secretary addressed a few remarks to the House, and the session was adjourned.

In conclusion I will only mention that, as has been the case on previous occasions, the "Standard and Diggers' News" and other papers, published a wholly incomplete and inaccurate summary yesterday morning of the contents of my note of the 30th

August to the Government of the South African Republic. Your Excellency will notice, by a perusal of the annexed extract* from yesterday's "Standard and Diggers' News," that no mention is made in the so-called summary of my note of the suggestion of Her Majesty's Government for an independent inquiry by the British Agent into the question of the political representation of the Uitlanders.

On making inquiry of the local representatives of the Press as to the source from which they derived the information contained in these summaries, I have been informed independently by four of the newspaper correspondents that the statement published by them was supplied to them by the State Secretary.

I have not considered it worth while to take any notice of these inaccurate versions, as I am aware from previous experience that it is useless [to attempt] to obtain any satisfactory explanation from the Government.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 30, 1899.

WITH reference to your notes to me of the 19th and 21st instant, I have to state to you that Her Majesty's Government have considered the proposals which the Government of the South African Republic have put forward therein as an alternative to those contained in the telegram from the Secretary of State to the High Commissioner of the 31st of July last, the substance of which I had the honour to communicate to you in my note of the 2nd of August.

Her Majesty's Government assume that the adoption in principle of the franchise proposals made by the High Commissioner at Bloemfontein will not be hampered by any conditions which would impair their effect, and that by the proposed increase of seats for the Gold Fields and by other provisions the Government of the South African Republic intend to give immediate and substantial representation of the Uitlanders.

That being so, Her Majesty's Government are unable to appreciate the objections entertained by the Government of the South African Republic to a Joint Commission of Inquiry into the complicated details and technical questions on which the practical effect of the proposals depends. Her Majesty's Government will, however, be ready to agree that the British Agent, assisted by such other persons as the High Commissioner may appoint, shall make the investigation necessary to satisfy them that the result desired will be achieved, and failing this, to enable them to make those suggestions which the Government of the South African Republic state that they will be prepared to take into consideration. Her Majesty's Government assume that every facility will be given to the British Agent by the Government of the South African Republic, and they would point out that the inquiry will be easier and shorter if the Government of the South African Republic will omit in the proposed new law the complicated conditions as to previous registration, qualification and behaviour which accompanied their previous proposals, and which would have entirely nullified their beneficial effect. Her Majesty's Government hope that the Government of the South African Republic will wait to receive their suggestions founded on the report of the British Agent's investigation before submitting these new proposals to the Volksraad and the burghers.

With regard to the conditions of the Government of the South African Republic:—

First, as regards intervention, Her Majesty's Government hope that the fulfilment of the promises made, and the just treatment of the Uitlanders in future will render unnecessary any further intervention on their behalf, but Her Majesty's Government cannot of course debar themselves from their rights under the Conventions, nor divest themselves of the ordinary obligations of any civilised Power to protect its subjects in a foreign country from injustice.

Secondly, with regard to suzerainty, Her Majesty's Government would refer the Government of the South African Republic to the second paragraph of the despatch of

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* Not reprinted.

the Secretary of State to the High Commissioner of the 13th of July last, a copy of which I had the honour to forward to you in my note of the 8th instant.

Thirdly, Her Majesty's Government agree to a discussion of the form and scope of a tribunal of arbitration from which foreigners and foreign influence are excluded.

Such a discussion, which will be of the highest importance to the future relations of the two countries, should be carried on between the President of the South African Republic and the High Commissioner, and for this it appears to be necessary that a further Conference, which Her Majesty's Government suggest should be held at Cape Town, should be at once arranged.

Her Majesty's Government also desire to remind the Government of the South African Republic that there are other matters of difference between the two Governments which will not be settled by the grant of political representation of the Uitlanders and which are not proper subjects for reference to arbitration. It is necessary that these should be settled concurrently with the questions now under discussion, and they will form with the question of arbitration proper subjects for consideration at the proposed Conference.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

Her Majesty's Agency, Pretoria, August 30, 1899.

DEAR MR. REITZ,

WITH reference to our conversation of this morning Her Majesty's Government have noted the desire of the Government of the South African Republic, as expressed in your note of August 19, for an early settlement, and fully share it, but must point out that the Government of the South African Republic took more than a fortnight to reply to their last offer, and in all cases have been very slow in replying to their communications. I am, therefore, now to express the hope of Her Majesty's Government that on the present occasion they may be favoured with an immediate reply to the note which I handed to you this morning.

I am, &c.,
CONYNGHAM GREENE.

The Honourable
F. W. Reitz,
State Secretary.

Her Majesty's Agency, Pretoria, August 31, 1899.

DEAR MR. REITZ,

WITH reference to our conversation and my semi-official letter to you of yesterday, I have this morning received a further telegram from the High Commissioner, pressing me for an early answer to the official note which I had the honour to hand to you yesterday, and desiring me to express His Excellency's earnest hope that the answer of your Government may not in any case be deferred beyond Saturday.

I am, &c.,
CONYNGHAM GREENE.

The Honourable
F. W. Reitz.
State Secretary.

DEAR MR. GREENE, Pretoria, August 31, 1899.

REPLYING to your notes of yesterday and to-day, conveying the desire of the High Commissioner that the answer of our Government to the official note which you handed to me yesterday shall not in any case be deferred beyond Saturday, I give you herewith

the assurance that (unless something quite unexpected and uncontemplated should prevent) our reply will be delivered to you not later than Saturday next.

Yours truly,

F. W. REITZ.

Conyngham Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 7 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

5th September. No. 298. Urgent. My telegram, No. 293. State Secretary informs me President is anxiously awaiting reply as to when note of Government of South African Republic to me of Saturday may be published here. He asks whether it would be possible for you to cable the full text of the note to London to-day, in order that it might be published here to-morrow.—GREENE.

Enclosure 8 in No. 16.

From the HIGH COMMISSIONER, Cape Town, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

5th September. No. 45. Your telegram, 298. I cabled translation of note of 2nd September to Secretary of State this afternoon.

Enclosure 9 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, September 2, 1899.

WITH reference to my telegram, No. 288, of yesterday, I have the honour to transmit to your Excellency herewith a translation of a semi-official letter which I have received from the State Secretary, dated the 1st instant, in which Mr. Reitz encloses a copy of a Note, dated the 12th of August, which had been drawn up by the Government of the South African Republic, in reply to my Note of the 2nd of August conveying the invitation of Her Majesty's Government to the Transvaal Government to take part in a joint inquiry into the political representation of the Uitlanders.

Your Excellency will notice that Mr. Reitz states that, for the reasons assigned by him, and owing to the fact that the position had been modified by subsequent communications the Note in question had not been delivered to me.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, September 1, 1899.

I HAVE the honour to acknowledge the receipt of your semi-official communication of 30th of August, 1899, and in reply thereto to remark, that, as it appears to be generally supposed that there was unnecessary neglect on the side of this Government in despatching a reply to the telegraphic communication of the Secretary of State for the Colonies accompanied by your Note of the 2nd of August, I wish in the first place to point out that this Government had drawn up an answer to it some considerable time ago, and was ready to hand it over, but that in consequence of semi-official negotiations

between you and the State Attorney, and the consequent Despatch of this Government of the 19th of August, the sending of the said answer was, in consultation with you, withheld.

Although the position has been somewhat altered by communications received from you later, and which at present are engaging the attention of this Government, I suppose it is still necessary to acquaint you with the contents of the aforesaid answer, and consequently enclose herewith the original of the same.

With reference further to the written despatch of the Secretary of State for the Colonies of 27th of July, 1899, received by me on the 23rd of August, 1899, amended by your Note of yesterday, and which this Government understands to be a further explanation of the telegraphic communication of 2nd of August, 1899, my Government intends to answer it immediately in full; the said Despatch embraces so much that further time is necessary to answer it.

The answer of the Government to the Despatch of the Secretary of State of 30th of August will be handed to you, if possible, to-morrow.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Green, Esq., C.B.,
British Agent, Pretoria.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, August 12, 1899.

The Government of the South African Republic has the honour to acknowledge the receipt of your note of the 2nd instant, whereby Her Majesty's Government invite His Honour, the State President "to nominate delegates to discuss with delegates to be "appointed by His Excellency on behalf of Her Majesty's Government whether the "Franchise Law recently passed by the Volksraad, together with other measures "connected with it, such as increase of seats, will give substantial and immediate "representation to the Uitlander population, and, if not, what alterations or additions "may be necessary to secure that result," and subject to the further understanding that "in this discussion the delegates of Her Majesty's Government would be free to make "any suggestions calculated to improve the measures in question, and to secure their "attaining the desired end"; it has further taken notice of a communication subsequently handed in by you to the effect that "the proposed joint inquiry must be confined to the "question of the political representation of the Uitlanders in the manner suggested, but "after that enquiry is concluded the High Commissioner will be ready to discuss with "President of the South African Republic not only the report of the inquiry and the "Franchise question but also other matters, including arbitration without introduction of "foreign element," and both these communications have been taken into serious consideration by His Honour the State President and the Executive Council.

In such consideration the Government has conceived itself bound, as always, to keep in view the fact that the Convention of London of 1884, entered into between this Republic and the Government of Her Britannic Majesty, assures to the South African Republic entirely free internal government, without intervention of any parties whatever, and this principle has always since been fully recognised and maintained, as will appear abundantly, among other things, from extracts of despatches attached hereto in Appendix A.

This Government trusts that it may rest assured that by making suggestions for a joint inquiry in your Note at present under consideration, Her Majesty's Government have no intention to derogate in any way from this recognised independence or to meddle with the internal affairs of this Republic.

This Government, although always desiring earnestly if, and as far as possible, to listen to any request made by Her Majesty's Government, by which the so-called Uitlander question in this Republic might be solved in a satisfactory manner, and at the same time the so much desiderated co-operation and good understanding between it and Her Majesty's Government could be confirmed, can however, judging from the invitation received from the above-mentioned standpoint, come to no other conclusion than, and wishes to express its view that, although the request may not have that intention, the effect of the acceptance of the invitation would still prejudice the above-mentioned recognised existing rights of this Republic, and will be so understood both by the Volksraad and the people; the right of full internal government cannot otherwise than suffer a

serious blow if, as a matter of fact, deputed commissioners are officially admitted or instructed to decide as judges about the efficiency of a law passed and promulgated by the highest legislative power of the land, and either to ratify it or not.

This Government is convinced that Her Majesty's Government, recognising the validity of the objections stated to acceptance of the invitation, or at least perceiving that possibly the latter might be explained as not being in agreement with the recognised rights of this Republic, will abandon that invitation in the manner and form as at present proposed.

It wishes once more to recall that it has repeatedly expressed its willingness to take into the most serious consideration all friendly hints and suggestions of Her Majesty's Government calculated to remove the grievances which Her Britannic Majesty's subjects believe they have; as may appear, last, from its communication of 13th of July, 1899, in which it declared itself ready to take into consideration, in the spirit of friendly co-operation, any suggestion of Her Majesty's Government, and in that spirit it remains always ready to work on.

Assuming that it is merely the intention of Her Majesty's Government to get information and assurance with regard to the significance, tendency and scope of the franchise law, and the plan of representation for the Uitlander population of the Goldfields. And with regard to the efficiency of that Law, it believes that the end contemplated by Her Majesty's Government can be equally well attained by asking questions and obtaining information about the intention and tendency of the above-mentioned measures, as also of statistical matters and local affairs—in which the Government professes itself willing to assist—in order to ascertain the actual effect of those measures, and if desired by this Government to offer advice about these subjects.

In connection with this subject it conceives itself bound to notice that a judgment can only be formed as to whether a law answers its purpose or not, if it has been in operation for some time, and suggests whether any inquiry to be set on foot now would not be premature.

This Government supposes it may assume that Her Majesty's Government is acquainted with the contents of the recently passed Law No. 3, 1899, about naturalisation and franchise—a copy of which marked B. is moreover attached hereto.

With regard to the representation of the Witwatersrand Goldfields in both Volksraads this Government proposes to grant four new members in each Volksraad to those Goldfields. The division of the Goldfields for that purpose is entrusted to a commission of officials, who are charged to recommend without delay a proportional division into electoral districts, as will appear from the copy of the Executive Council Resolution which I have the honour to deliver herewith marked C.

It is the intention of the Government that the new members shall take their seats in each case not later than in the next ordinary session of the Volksraads.

The important hints given by His Excellency the High Commissioner on behalf of Her Majesty's Government in the Bloemfontein Conference have been kept in view in the drawing up and subsequent improvement of the new legislation about naturalisation and the franchise and resolution about representation in this Republic, the regulations of which, if the Uitlander population makes use of it will as this Government can with full confidence assure Her Majesty's Goverment, by their operation most certainly give an actual and immediate representation, and will afford the means to put an end to the grievances which some of them believe they have against the Republic, and this Government cherishes the hope that Her Majesty's Government will, after thorough investigation and the information offered by this Government, share that hope, and be willing to accept that assurance. This Government does not wish by the foregoing to be understood that there would be difficulty if Her Majesty's Government might so wish about agreeing to the holding of a Conference for a friendly discussion of all points whether of difference or of common interest which demand discussion or consideration, in the spirit and for the purpose contemplated in convoking the Conference at Bloemfontein.

This Government takes the liberty of making use of this opportunity to point out that, according to intelligence in the newspapers and recently in speeches of Ministers of Her Majesty, the assertion has been made that this Government has made promises to English subjects at the time of the making of the Convention, which have not been fulfilled. As this Government has always earnestly desired to fulfil its obligations, and also claims always to have done so, it cannot but express its regret that that assertion has found expression in this way and at this date, and that no communication has been addressed to it with respect to that in order to give it opportunity to refute that statement, or to remove some apparently existing misunderstanding on that point. This

affair might at the same time form a point of discussion at a Conference as suggested above.

Returning to the communication accompanying the invitation, this Government understands from it with pleasure that there is a good prospect for friendly negotiations, whereby it cherishes the hope that the much desiderated result will be attained—to get points of difference between the two Governments decided by means of arbitration.

Conyngham Greene, Esq., C.B.,
British Agent, Pretoria.

Aanhangsel A.

Extract uit een brief van the Right Hon. the Earl of Derby to the Transvaal Deputation.

Downing Street, February 15, 1884.

By the omission of those articles of the Convention of Pretoria, which assigned to Her Majesty and to the British Resident certain specific powers and functions connected with the internal government and the foreign relations of the Transvaal State, your Government will be left free to govern the country without interference, and to conduct its diplomatic intercourse and shape its foreign policy subject only to the requirement embodied in the fourth Article of the new draft, that any treaty with a foreign State shall not have effect without the approval of the Queen.

Extract uit een brief van den Heer Chamberlain to Sir Hercules Robinson.

Downing Street, February 4, 1896.

30. In the next place it is necessary that I should state clearly and unequivocally what is the position which Her Majesty's Government claim to hold towards the Government of the South African Republic.

31. Since the Convention of 1884, Her Majesty's Government have recognised the South African Republic as a free and independent Government as regards all its internal affairs not touched by that Convention.

Extract uit een telegram from the Secretary of State, London, to the High Commissioner, Cape Town.

March 26, 1896.

Her Majesty's Government do not claim any right under the Convention to prescribe the particular internal reforms which should be made in the South African Republic.

Aanhangsel C.

Besluit van den Uitvoerenden Raad van den 27sten Juli, 1899.

Aan de orde Minute R. 9498/99, inhoudende correspondentie omtrent de ver tegenwoordiging in den Eersten en Tweeden Volksraad voor de publikie delverijen ;

De Uitvoerende Raad

Lettende op Reggeringsmissive B.B. 1900/99, d.d. 19 Juni, 1899.

Lettende op Eerste Volksraadsbesluit Art. 377, d.d. 15 Juni, 1899.

Lettende op Regeeringsmissive B.B. 2157/99, d.d. 7 Juli, 1899.

Lettende op wet No. 12 van 1887.

Besluit :—

De Kiesafdeeling Witwatersrand-goudvelden, welke thans in den Eersten en Tweeden Volksraad vertegenwoordigd wordt door twee leden, te doen vertegenswoordigen door tien

leden zoodat genoemde kiesafdeeling gesplitst zal worden in vijf zooveel mogelijk evenredige kiesafdeelingen, waarven welke afdeeling twee leden zal kiezen.

Het hoofd van het Mijnwezen, de mijncommissarissen de Veldcornetten en de Commandanten van deze Kiesafdeeling zullen met medewerking van de twee Volksraads leden der Kiesafdeeling Witwatersrand goudvelden een voorstel aan de Regeering doen, hoe deze afdeelingen te vormen, om daarna van Artikel 2 van Wet No. 12 van 1887, de grenzen van elke afdeeling te kunnen proclameeren.

Verder Besluit de Uitvoerende Raad aan de Regeering op te dragen, na te gaan of het wenschelijk is, tengevolge van de uitbreiding en vermeerdering der bevolking ook andere del verijen tot kiesafdeelingen te verklaren in termen van Wet No. 12 van 1887.

Enclosure 10 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 3, 1899.

With reference to my despatch of the 1st instant, I have the honour to transmit to your Excellency herewith a translation of a Note which I have received from the State Secretary, dated yesterday, conveying the reply of the Government of the South African Republic to the Note which I addressed to them on the 30th of August on the subject of the political representation of the Uitlanders.

I have, &c.,
CONYNGHAM GREENE.

His Excellency,
The High Commissioner,
Cape Town.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, September 2, 1899.

I have the honour to acknowledge the receipt of your Note of the 30th of August, with the correction thereof of 1st September, 1899.

This Government has heard with the deepest regret that Her Majesty's Government has not seen its way to accept the proposal of a five years' franchise and an extension of the representation of the Witwatersrand under the proposed conditions attached thereto, which were set forth in its Notes of 19 and 21 August, and the more so because it has supposed from semi-official discussions, which have been brought to the knowledge of Her Majesty's Government, that it might infer that its proposal would have been acceptable to Her Majesty's Government.

In consequence of that communication this Government considers that its proposal has lapsed, and in consequence also the necessity of laying the same before the Representatives of the People and the People.

2. This Government wishes to observe with regard to the remark of the Secretary of State, that Her Majesty's Government cannot understand the objections of the Government of the South African Republic to a Joint Commission of Inquiry as proposed, that the objections to the invitation as contained in the telegraphic despatch of 2nd of August have been already explained in a communication dated 12th of August (already forwarded to you yesterday).

3. With regard to a unilateral (instead of a Joint) Inquiry, as now suggested by Her Majesty's Government, this Government wishes to declare its willingness, if it should appear that the existing franchise law may be made more effective, to lay proposals before the Volksraad in order to alter or elucidate the same. If it can assist Her Majesty's Government with any information or explanations it is always, as before, quite ready to give the same: it appears, however, to it that the findings of a unilateral Commission, especially when made before the working of the law has been properly tested, are premature, and thus will probably be of little value.

4. Passing now to the discussion of the remarks made by Her Majesty's Government apropos of the conditions imposed by this Government, in the proposal, now lapsed in consequence of the non-acceptance of the conditions by Her Majesty's Government, this Government feels bound to observe:

(*a.*) That this Government has never, with reference to the question of intervention either asked nor intended that Her Majesty's Government should abandon any right it may have as a matter of fact by virtue of either the Convention of London of 1884 or of General International Law, to take action here for the protection of British subjects.

(*b.*) That with regard to the alleged existence of suzerainty the denial of its existence by this Government according to its view, has already been so clearly explained in its despatch of 16th of April, 1898, that it would be superfluous to repeat the facts, arguments, and consequences mentioned therein: it merely wishes to observe that it adheres to its contentions stated in that despatch.

5. With reference to a tribunal of arbitration this Government is pleased to see that Her Majesty's Government is prepared to enter into negotiations with regard to the form and scope of such tribunal: it is, however, not clear to it:

(*a.*) If Her Majesty's Government consents that burghers of the Orange Free State may also be appointed as members of such tribunal.

(*b.*) What subjects shall be submitted to the decision of such court.

(*c.*) What are the subjects Her Majesty's Government thinks cannot be laid before such court: Her Majesty's Government states that there are such points, but does not specify them.

The object contemplated by this Government, *i.e.*, the securing of a final regulation of all points either now at issue or such as may subsequently arise, would, it opines, be altogether frustrated by these limitations.

6. With reference to the recommendation of a Conference to be held, this Governmen will await further communications from Her Majesty's Government before being able to deal with the matter further.

7. Moreover, this Government desires to remark that the proposal made by it with reference to the franchise and representation of the Uitlanders was extremely liberal, and as a matter of fact went further than the propositions of His Excellency the High Commissioner put forward at the Bloemfontein Conference.

The conditions attached by this Government were extremely equitable and did not demand from the side of Her Majesty's Government any abandonment of existing rights, but only required the assurance that Her Majesty's Government in the future would limit itself as regards this Republic by the Convention of London of 1884, and the generally recognised rules of International Law, and that moreover a principle should be put into practice with regard to questions at issue, the equity and justice of which are recognised by all civilised States, and of which this Government believes that Her Majesty's Government is a strong advocate.

8. This Government could never have expected that the answer of Her Majesty's Government to its proposal would be unfavourable, and it can only continue to cherish the hope that the terms of this as of previous communications will open a way along which a good understanding and solution of existing differences may be arrived at.

9. Although this Government cannot in any way abandon any of its rights, it would still be glad to convince and satisfy Her Majesty's Government that the franchise law which has been adopted, and the extension of the representation, with four new seats, will secure to the Uitlander population a substantial and immediate representation, if use is made of it, and that it is, for the rest, its intention to continue working with Her Majesty's Government on a friendly footing.

10. This Government taking notice of the difference that, in its view, exists in the invitation as contained in the telegraphic despatch of 2nd of August, and that explained in the despatch of 27th of July, 1899, of the Secretary of State for the Colonies, and further, of the fact that in the latter it is given to be understood that the most suitable way to treat the same (*i.e.*, points including complicated details and questions of a technical nature) would be to discuss them in the first place by means of deputies appointed by both Governments, who would have to report the result of their deliberations, and submit their recommendations to both Governments respectively, and assuming that thereby no interference is intended in the internal affairs of this Republic, nor with a view to constitute a precedent, but only to get information and to find out if the measures already taken are effective, and, if not, to show this Government in what points such is hot the case, this Government would be glad to learn from Her Majesty's Government now it proposes that the Commission shall be composed, and what time and place are suggested.

While this Government wishes to limit itself for the present to the above point, as far as the answer to the note of 27th of July is concerned, it intends to send on very shortly the further answer, as already communicated yesterday.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 11 in No. 16.

("SOUTH AFRICAN NEWS," September 5, 1899.)

Bloemfontein, September 4 (Special).—The "Express" learns from reliable, though unofficial sources, at Pretoria, that an interview between Mr. Conyngham Greene and State Attorney Smuts, referred to by Mr. Wolmarans in the Volksraad last week, the British Agent stated that the object the British Government had in view in suggesting a joint inquiry was to bring Johannesburg into the matter, and go beyond the Bloemfontein programme. The Uitlanders, said Mr. Greene, had collected all the facts which were to be laid before the Commission, and which would bring the opinion of the world round to them. The only way open to the Government was to accept as an alternative Sir Alfred Milner's Bloemfontein scheme in order to avoid an inquiry and more comprehensive claims. If this scheme were accepted, said Mr. Greene, the British Government would no doubt be found willing to relinquish the Suzerainty claim, and to grant arbitration on all other points of dispute.—"But would they?" was the natural reply.—Mr. Greene said he could make sure, and he then cabled through the High Commissioner, as stated by Mr. Reitz, and the reply was that the British Government would consider such a proposal on its own merits.

That was a non-committal reply which hardly satisfied the Transvaal Government. The British Agent was asked what he thought of it, and he said he considered it to be a favourable one. Thereupon the counter-proposal suggested by Mr. Greene was forwarded to Mr. Chamberlain. Mr. Chamberlain's next step was to inquire from the Transvaal Government whether, in case that counter-proposal was accepted, the English language would receive equal rights and status with the Dutch in the Legislature of the Republic, and whether the Transvaal would bind itself never to alter the terms appertaining to the election of President and Commandant-General, except with the consent of the British Government.

The Transvaal authorities were now becoming suspicious, and replied in the negative. Then followed the "garden party" speech, in which Mr. Chamberlain accused President Kruger of procrastinating in his replies, and adopting "a dribbling policy." The next and last step was the reply, published in our last issue, finally rejecting the counter proposal.

Enclosure 12 in No. 16.

From HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

DRAFT TELEGRAM.

(Telegram. High Commissioner.)

(No. 248A.)

Pretoria, August 14, 1899.

THE Government of the South African Republic will write me a Note to the effect that, provided Her Majesty's Government are willing not to press the demand for the proposed joint inquiry into the political representation of the Uitlanders, they are willing to make the following proposals to Her Majesty's Government.

1. Five years retrospective franchise. The scheme to be referred to the people immediately, and the Government pledging itself to support it and *get* the people to adopt it. The Raad would adjourn at once for above purpose, and scheme might become law within, say, a fortnight.

2. Eight new seats to be given to the Witwatersrand, in the First Volksraad, making, with the existing members for Johannesburg, and Barberton, a representation of the Mining Industry of ten seats in a Raad of 36. The representation of the Gold Fields in future to be ~~¼ of the Volksraad.~~ *not to fall below this proposition.** The same number or seats to be given in the Second Raad if desired.

In this way future extension of franchise to new population will not be restricted to Witwatersrand, but will be extended to such other fields as are fairly entitled thereto.

3. This franchise will entitle both old and new population to equal rights and privileges in regard to the election of President and Commandant-General.

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* ? "*proportion.*"

4. The simplification of the details of the franchise law to be discussed with the British Agent who may have his own legal advice ; and any other points which may arise to be discussed in the same way.

In putting forward the above proposals the Government of the South African Republic will assume that Her Majesty's Government will agree that their present intervention shall not form a precedent for future similar action, and that in the future no interference in the internal affairs of the Republic contrary to the Convention will take place. Further, that Her Majesty's Government will not further insist on the assertion of the Suzerainty, the controversy on this subject being allowed tacitly to drop.

Lastly, arbitration, from which foreign element is excluded, to be conceded as soon as the franchise scheme has become law, but in the meantime the form and scope of the proposed tribunal to be discussed and provisionally agreed upon, while the franchise scheme is being referred to the people in order that no time be lost.

The formal note embodying these proposals will be drafted to-day, and submitted for my approval beforehand, as soon as I am informed whether Her Majesty's Government will consent to my opening negotiations on the above lines. J. C. S.

[NOTE.—The alterations in *italics* and obliterated type are those made by the State Attorney in the original draft, with his initials at the end].

Wet No. , 1899.

Goedgekeurd door den Edel Achtbaren Eersten Volksraad by art. betreffende naturalisatie en vol stemrecht.

Nademaal de wenschelykheid gebleken is zekere bepalingen der wetten met betrekking tot naturalisatie en het verkrygen van het volle stemrecht te wyzigen en nader te omschryven, en

Nademaal deze wyzigingen geen uitstel kunnen lyden om in termen van Art. 12 der Grondwet 3 maanden vooraf gepubliceerd te worden en zy reeds in beginsel door het volk zyn goedgekeurd.

Zy het hierby vastgesteld als volgt :—

Art. 1. Dat een ambtenaar aangesteld wordt aan wien alle applicaties voor stemrecht moet gemaakt worden.

Art. II. Ieder blanke mannelyke vreemdeling den ouderdom van 16 jaar bereikt hebbende die zich in de Zuid Afrikaansche Republiek ~~metterwoon~~ vestigt of gevestigd heeft, zal voortaan brieven van naturalisatie *met volle stemrecht* kunnen krygen mits hy bewyzen kan dat hy voldaan heeft aan de volgende bepalingen en voorwaarden :—

(*a.*) De applicant zal de ambtenaar vermeld in Art. I. moet tevreden stellen dat hy ~~zeven~~ *5* jaren in dit land gevestigd was ; indien de ambtenaar niet tevreden is met het bewys kan de applicant het bewys voor een der Rechters leggen en zyn beslissing zal daaromtrent moet aangenomen worden doch zal zulke rechter het recht hebben om appel aan het voltallig hof toe te staan *of* De registratie in de boeken van den veldcornet of ~~de beeedigde verklaringen van den applicant en twee notabele volstemgerechtigde burgers, zullen~~ *zal* in ~~zulke~~ *alle* gevallen afdoende bewys zyn.

(*b.*) De applicant zal eene beeedigde verklaring van zich zelf overleggen ten effecte dat hy nooit schuldig gevonden werd aan hoogverraad, moord, verkrachting, diefstal, bedrog, meineed of vervalsching.

(*c.*) De applicant zal bewys overleggen dat hy ~~onbelast~~ vast eigendom bezit *onbelast* ter waarde van £150 of huishuur betaalt ten bedrage van £50 per jaar of vast salaris of loon trekt van £100 per jaar of een zelfstandig bestaan vindt door landbouw ~~of~~ veeteelt *of abacht.**

(*d.*) De applicant zal voor de officieele uitreiking der brieven van naturalisatie den volgenden eed afleggen, waardoor hy zal beschouwd en genomen worden afstand te doen en af te zien van alle burgerrechten genoten in en burgerplichten en onderdanigheid verschuldigd aan eenigen anderen staat of vorst :—

" Ik zweer (of Ik verklaar plechtig dat het afleggen van eenen eed naar myne geloofsovertuiging niet geoorloofd is en beloof) plechtig in alle oprechtigheid en in termen van wet No, 3/1899, waarmede ik verklaar dat ik bekend ben, dat ik dezen staat getrouw zal zyn, zyne onafkankelykheid zal eerbiedigen en ondersteunen, my aan de Grondwet en andere wetten en de wettige autoriteiten des lands zal onderwerpen en my in alle opzichten zal gedragen zooals het eenen getrouwen burger van dezen Staat betaamt. Zoo waarlyk helpe my God Almachtig (of dat beloof ik plechtig)."

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* *? ambacht.*

Voor en aleer een reeds genaturaliseerd persoon toegelaten wordt tot het volle stemrecht zal in elk geval door hem bij zyn aanzoek daartoe, benevens voldoening aan andere door deze wet geeischte verplichtingen, wederom moeten worden overgelegd bewys van nakoming aan de voorwaarden en bepalingen hierbovèn sub a, b, en c, uiteengezet. Niemand zal gerechtigd zyn of toegelaten worden brieven van naturalisatie of vol stemrecht te verkrygen tenzy vooraf aan gemelde bepalingen voldaan te hebben, uitgenomen in gevallen waar deze of eenige andere wet uitdrukkelyk andere voorziening maakt.

Art. III. De applicant zal tenminste ~~zes~~ *2* maanden vooruit kennis geven aan den ambtenaar vermeld in Art. 1 van zyn intentie om applicatie voor brieven van naturalisatie te maken en dat hy by de applicatie bewys van voldoening aan Art. 2 zal leveren.

Art. IV. Ieder persoon die zich binnen de Zuid Afrikaansche Republiek vestigt of gevestigd heeft, zal na verloop van minstens twee jaren, by voldoening aan de voorwaarden in Art. 2 secties b, en c, brieven van naturalisatie *Zonder vol stemrecht* kunnen verkrygen en zal minstens ~~vyf~~ *3* jaren na naturalisatie het volle stemrecht kunnen verkrygen, ~~mits in beide gevallen minstens zes maanden door hem schriftelyk kennis wordt gegeven aan den Staatssecretaris door den ambtenaar in Art. 1 vermeld van zyn voornemen om zulke aanvrage te doen.~~

Add to Art. 3. De ambtenaar zal verplicht zyn op straffe eener boete van hoogstens £10 in elk geval van verzuim, om deze kennisgeving ~~zoodra mogelyk, doch uiterst 14 dagen na indiening ervan, naar den Staatssecretaris te zenden, ter publicatie in de Staatscourant voor algemeene informatie, en de Staatssecretaris zal zoodanige kennisgeving~~ *Zonder verzuim een maal in de Staatscourant te publiceeren* zonder verzuim 3 achtereenvolgende malen ~~in de Staatscourant doen publiceeren.~~

Art. V. Niets in deze wet bepaald zal de ~~Uitvoerende Raad~~ *Regeering* beletten brieven van naturalisatie met of zonder het volle stemrecht uit te reiken aan personen die eene betrekking in's lands dienst aanvaarden ~~of diensten aan het land bewezen hebben of zich in eenig ander opzicht voor het land hebben verdienstelyk gemaakt, hoewel ten hunne opzichte niet aan de vereischten van deze wet is voldaan, mits zy den eed volgens Art. 2 afleggen.~~

Art. VI. Jongelingen niet in dezen Staat geboren en wier vaders brieven van naturalisatie of vol stemrecht alhier hebben verkregen voor zy hun 16de jaar bereikt hebben, hebben hetzelfde stemrecht als hun vader.

Jongelingen in dezen Staat geboren wier vaders noch genaturaliseerd waren noch het volle stemrecht hadden, zullen zich met hunne 16de jaar kunnen laten naturaliseeren *met volle stemrecht* door den eed afteleggen vermeld in Art 2.

Art. VII. ~~Het verzoek om~~ *De toekening van* naturalisatie en *van* het volle stemrecht wordt door den ambtenaar vermeld in Art. I. aan den Staatssecretaris toegezonden en brieven van naturalisatie moet door hem geteekend worden.

Eenig bezwaar tegen het bewys van applicant moet wegens de Regeering by den ambtenaar vermeld in Art. I. gemaakt worden by het verhoor der applicatie.

~~De brieven van naturalisatie en vol stemrecht zullen geteekend worden door den Staatssecretaris.~~ De Staatssecretaris laat de brieven van naturalisatie en vol stemrecht door ~~den daartoe aangewezen ambtenaar~~ *een Landdrost of veldcornet of persoon bevoegd een eed aftenemen* uitreiken en door dezen den vereischten eed van naturalisatie afnemen.

De brieven van naturalisatie zullen een zegel van twee pond sterling dragen; de toekenning van het volle stemrecht aan personen die vooraf genaturaliseerd zyn, geschiedt kosteloos.

Art. VIII. Iemand die niet tot de blanke bevolking van de Zuid-Afrikaansche Republiek behoort zal het stemrecht niet kunnen verkrygen ~~volgens Art. 9 der Grondwet.~~

Art. IX. Alle wetten and bepalingen voor zoover in stryd met deze wet worden hiermede herroepen.

Art. X. Deze wet treedt in werking dadelyk na publicatie in de Staatscourant.

No. 17.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 6.55 a.m., September 28, 1899.)

Telegram.

[*Answered by No.* 24.]

27th September. No. 4. In continuation of my telegram of to-day, No. 3.* Orange Free State President has telegraphed to me at enormous length. After recapitulating history of negotiations from their point of view he continues:—

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* No. 18.

Begins: This Government are still prepared and tender their services to further the interests of peace and to continue in their endeavours to procure a satisfactory solution of existing difficulties on fair and reasonable lines. They feel themselves however hampered now as in the past (*a*) by a want of knowledge as to the definite object and extent of the desires or demands of the British Government compliance with which that Government consider themselves entitled to insist on and as to the grounds on which such insistence is based. (*b*) By the fact, notwithstanding the repeated assurances of the British Government that it does not wish to interfere in the internal affairs of the government of the South African Republic nor to disturb its independence, it has pursued a policy which seems to justify a contrary conclusion; to give but one instance I may mention the enormous and ever-increasing military preparations on the part of the British Government indicating a policy of force and coercion.

This Government cannot conceive it possible that the points of difference that may exist on this subject justify those extensive and ever-increasing military preparations being carried out on this border, not only of the South African Republic but also of the Orange Free State, and they are therefore reluctantly compelled to conclude that they must be intended to secure other objects at present unknown to the Government of this State and the knowledge whereof if they prove to be fair and reasonable might induce this Government to make necessary representations to secure their attainment and enable them to continue their efforts to secure a speedy, peaceful and satisfactory settlement of the difficulties and differences existing between Her Majesty's Government and the Government of the South African Republic.

We are firmly convinced that the Government of South African Republic have been sincerely desirous to maintain in its integrity the Convention of London 1884 both as regards its letter and its spirit, and that they do not contemplate or assert a claim to any absolute political status without the qualification arising out of Article IV. of that Convention. I feel assured that there is no difference between their contention on that point and the communication made on behalf of Her Majesty's Government by Her Majesty's High Commissioner to the Governments both of the South African Republic and of this State on the 27th February, 1884.* as to the import of that Convention: that communication was as follows, "Same complete internal independence in Transvaal as in Orange Free State; conduct and control intercourse with foreign Governments conceded; Queen's final approval treaties reserved."

In the expectation that Her Majesty's Government will share my views that no effort should be spared to effect a peaceable settlement, I trust that Her Majesty's Government may see their way clear, pending arrival of the further despatch intimated as about to be sent to Government of South African Republic and pending further negotiations, to stop any further movements or increase of troops on or near the borders of the South African Republic and of this State, and further to give an assurance to that effect to allay the great excitement and irritation naturally aroused and increased thereby, and if Her Majesty's Government should be pleased to accede to this request this Government would be glad to be favoured with the views of Her Majesty's Government on the points raised herein and more particularly as to the precise nature and scope of the concessions or measures the adoption whereof Her Majesty's Government consider themselves entitled to claim, or which they suggest as being necessary or sufficient to insure a satisfactory and permanent solution of existing differences between them and the South African Republic whilst at the same time providing a means for settlement [of] any other that may arise in the future.—M. T. STEYN, State President. *Ends.*

* No. 20 in [C. 4036].

No. 18.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.10 a.m., September 28, 1899.)

Telegram.

27th September. No. 3. Following resolution unanimously adopted to-day by Orange Free State Volksraad and forwarded to me by President Orange Free State in translation:—

Begins: The Volksraad, having heard the second paragraph of His Honour's opening speech and the official documents and correspondence relating thereto which have been handed in, having regard to the strained state of affairs in South Africa which have arisen in consequence of the differences between the Governments of South African Republic and Her Britannic Majesty, which constitute a threatening danger for bringing about hostilities the calamitous effect of which would be incalculable for all white inhabitants of South Africa, being bound to the South African Republic by the closest bonds of blood and alliance and standing in most friendly relations towards Her Majesty's Government fearing that should a war break out a hatred would be generated between the European races in South Africa which still in the far future will impede and restrain the peaceful development of all States and Colonies of South Africa, being sensible that serious obligations rest on the Volksraad to do all that is possible to prevent the shedding of blood, considering that in the course of negotiations with the British Government which have extended over several months every endeavour has been made by the Government of the South African Republic at a peaceful settlement of the differences which have been brought forward by Uitlanders in the South African Republic and which have been adopted as its own cause by the Government of Her Majesty which endeavours, unfortunately, have only had the result that British troops have been concentrated on the border of the South African Republic and are still continually being reinforced.

"Resolves to instruct the Government still further to do everything in its power to preserve and establish peace and to contribute by peaceful methods towards the solution of the existing differences, always provided that [it] can be brought about without injury to the honour and independence of this State or of the South African Republic, and wishes unmistakably to declare its opinion that there exists no cause for war and that if a war is now begun or occasioned by Her Majesty's Government against South African Republic, this would morally be a war against the whole of white population of South Africa and would in its results be calamitous and criminal and further, that Orange Free State will honestly and faithfully observe its obligations towards South African Republic arising out of the political alliance between the two Republics whatever may happen."

No. 19.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 1 p.m., September 28, 1899.)

Telegram.

28th September. No. 2. My telegrams No. 3 and No. 4.* I have telegraphed to President Orange Free State simply acknowledging his telegrams and saying that I have communicated them to you.

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* Nos. 17 and 18.

No. 20.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.20 p.m. September 28, 1899.)

TELEGRAM.

[*Answered by No.* 30.]

28th September. No. 3. I have this morning received a letter from President Steyn in answer to my letter conveying the message contained in your telegram of the 22nd September, No. 2.* Letter is in Dutch. Translation is as follows:—

Begins: I have the honour to acknowledge the receipt of Your Excellency's letter of the 23rd September informing me that Your Excellency was instructed by Her Majesty's Government to acquaint me that in the report of my speech at the opening of the Volksraad, which had been sent to England, it was stated that I had said that the Government of the South African Republic was "verlokt" (decoyed) by Mr. Greene, British Agent at Pretoria, and had virtually accused Her Majesty's Government of bad faith.

In reply, I have to say that I am not acquainted with the contents of any report of my speech sent to England, and, further, that although I do not feel myself called upon publicly to contradict any such incorrect report, I wish to give Your Excellency the assurance that the report repeated to me by Your Excellency is devoid of all truth, as Your Excellency will best see by a reference to my speech itself, of which I have the honour to inclose herewith a copy for Your Excellency. It is possible that the report owes its origin to an erroneous translation of the word "uitgelokt" (elicited) which is contained therein, and which was a quotation from the despatch referred to by me (despatch of 15th September to British Agent). This expression is something totally different from the word attributed to me, namely, "verlokt" (decoyed). *Ends.*

No. 21.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11 p.m., September 28, 1899.)

TELEGRAM.

[*See also No.* 26. *Answered by No.* 36.]

28th September. No. 5. Following petition to Her Majesty the Queen has been handed to me to-day, signed by fifty-seven members of both Houses of Cape Parliament, including five Ministers:—

Begins: Your Majesty's humble petitioners are British subjects residing in the Colony of the Cape of Good Hope.

2. They are aware that your Majesty some time ago was graciously pleased to receive and consider a petition signed, amongst others, by many of your Majesty's subjects residing in the South African Republic, and setting forth certain grievances of disabilities under which those petitioners deemed themselves to labour in the said Republic.

3. Your petitioners humbly refrain from herein raising any discussions or controversy on the several matters dealt with in the said Petition, but they beg to submit, as subjects of your Majesty in this Colony, and speaking on behalf of many thousands of their fellow-subjects here, this their Petition to be likewise received and considered by your Majesty.

4. Your petitioners are closely connected by ties of blood relationship, inter-marriage, and friendship, with residents in the South African Republic, and materially and deeply interested in the maintenance of peace in South Africa and the avoidance of the horrors of war, and they are firmly convinced that recourse to measures of active interference by force or compulsion against the said Republic for the removal of the grievances or dis-

* No. 11.

abilities set forth in the aforesaid Petition is not necessary, and would be most disastrous to the true welfare and the best interests of your Majesty's South African dominions, of which this Colony forms no inconsiderable part.

5. Should such measures be in contemplation your petitioners beg most humbly and earnestly that your Majesty may be pleased in the exercise of a spirit of magnanimity for peoples and States which are weak, and of consideration for the true welfare and best interests of your subjects in South Africa, to abandon the further contemplation of such measures.

6. Your petitioners are emboldened in preferring this humble request by the earnest belief that the Government and people of the South African Republic are fully awakened to the wisdom and discretion of making liberal provision for the representation in the Legislature of the Republic of the population of the Gold Fields, from a part of which the Petition emanated which has been received and considered by your Majesty.

7. Your petitioners, having observed that the Legislature of the South African Republic have recently passed a new franchise Act making more liberal provision for the representation of the Gold Fields in the Volksraads of the Republic, and for the naturalization with full burgher rights of British subjects, in common with other Uitlanders permanently settling in the Republic; that your Majesty's Government have been pleased to propose the appointment of a Joint Commission to inquire into the full effect of the said Act; and that the Government of the South African Republic have accepted this proposal, beg to humbly express their hope that such a Joint Commission will be speedily appointed.

8. Your petitioners feel fully convinced that if an inquiry instituted by such a Commission should lead to the conclusion that the Act in question does not make sufficient or satisfactory provision for the enfranchisement and representation of your Majesty's subjects settling permanently in the Republic, the Republic Legislature would be found prepared to make other and further provisions in that behalf, and that a recommendation by your Majesty's Government to your subjects in the South African Republic to accept such provisions would produce great results in influencing the various sections of the population towards mutual conciliation and goodwill, and at the same time tend to the true advancement of your Majesty's South African dominions.

9. Your humble petitioners would finally beg your Majesty graciously to accept and consider this Petition, and to believe that in presenting it they are actuated not only by feelings of attachment to the country of their birth or adoption but also of loyal devotion to your Majesty's throne and person.

And your petitioners, as in duty bound, will ever pray.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12.35 a.m., September 29, 1899.)

TELEGRAM.

[*Answered by No.* 35.]

28th September. No. 6. I have received to-day through Sir Gordon Sprigg following resolution signed by 53 Members of both Houses.

Begins: This meeting of Members of Parliament of the Cape Colony desires strongly to deprecate the attempts which have been made to encourage the Government of South African Republic to continue their resistance to the just demands of Her Majesty's Government, and further desires to give Her Majesty's Government an assurance of the strongest support of the policy pursued by them through the High Commissioner, which it regards as calculated to promote permanently the best interests not only of the Cape Colony but of the whole of South Africa. *Ends.*

No. 23.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 6.35 p.m., September 29, 1899.)

Telegram.

29th September. No. 1. I think that if Government of South African Republic commence hostilities it would be well for you in that case, but not otherwise, to give warning to President Krüger at once, that, in view of the persistent rumours which have reached Her Majesty's Government as to threats to murder British subjects, he and his Government are expected to protect the lives and property of all peaceable persons, British subjects and others; and will be held responsible by Her Majesty's Government for any acts committed contrary to the usages of civilized people.

No. 24.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 10.30 p.m., September 29, 1899.)

Telegram.

[*Answered by No.* 27.]

29th September. No. 2. Referring to your telegram of 27th September, No. 4,* Her Majesty's Government request that you will inform President of Orange Free State in reply to his message that their views have been definitely made known to the Government of the South African Republic from time to time and especially in my telegram of 8th September, No. 5.† Unfortunately the Government of the South African Republic has finally declined to entertain the suggestions contained in that telegram, and accordingly Her Majesty's Government, in accordance with the announcement made in the last paragraph, have been compelled to formulate their own proposals for a final settlement, which will shortly be communicated to the Government of the South African Republic.

You will at the same time inform President of Orange Free State that what he describes as the enormous and ever-increasing military preparations of Great Britain have been forced upon Her Majesty's Government by the policy of the South African Republic, which has transformed the Transvaal into a permanent armed camp, threatening the peace of the whole of South Africa and the position of Great Britain as the Paramount State.

No. 25.

Governor Sir W. F. HELY-HUTCHINSON (Natal) to Mr. CHAMBERLAIN.

(Received 11 p.m., September 29, 1899.)

Telegram.

29th September. No. 4. Station-master, Charlestown, has been officially informed by Netherlands Railway Company that no more traffic will be received from Natal, as railway has been taken over by Government of South African Republic. Railway telegraph wire has been cut. Telegraphic communication between Maritzburg and Johannesburg still maintained by Post Office wires.

No. 26.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 1.55 p.m., September 30, 1899.)

Telegram.

30th September. No. 1. Referring to my telegram of 28th September, No. 5,‡ Theron, Member of Legislative Assembly, wishes me to acquaint you his name was omitted from signatures, which are therefore 58.

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* No. 17. † No. 52 in [C. 9521]. ‡ No. 21.

No. 27.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 12 midnight, September 30, 1899.)

Telegram.

(Extract.)

30th September. No. 5. I propose to hold over message in your telegram of 29th September No. 2.* My reason for doing so is that there is still some hesitation on the part of the Government of the Orange Free State who seem not to have abandoned hope of compromise.

No. 28.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 12.25 a.m., October 1, 1899.)

Telegram.

[*Answered by No.* 29.]

(Extract.)

30th September. No. 8. Urgent. Just received following from British Agent:—

Begins: State Secretary who has just been here has asked me to send you the following message: "State Secretary would be much obliged if he might be informed by Monday what decision if any the British Cabinet have taken."

No. 29.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 11 p.m., October 1, 1899.)

Telegram.

(Extract.)

1st October.—No. 1. Urgent. Your telegram No. 8 of 30th September.† The answer to State Secretary should be as follows:—

The despatch of Her Majesty's Government is being prepared; it will be some days before it is ready.

No. 30.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 5.10 p.m., October 2, 1899.)

Telegram.

2nd October. No. 4. Referring to your telegram of 28th September, No. 3.‡ You should inform President Steyn in reply to his letter that Her Majesty's Government are glad to learn that the report of his speech was inaccurate.

No. 31.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 8.5 p.m., October 2, 1899.)

Telegram.

2nd October. No. 2. Following telegram received from President Orange Free State:—

Begins: 2nd October. I have the honour to inform Your Excellency that I have deemed it advisable, in order to allay the intense excitement and unrest amongst our burghers arising from the totally undefended state of

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* No. 24. † No. 28. ‡ No. 20.

our border in the presence of a continued increase and movement of troops on two sides of this State, to call up our burghers to satisfy them that due precaution has been taken in regard to guarding our borders, and to insure their not acting independently of proper control. I am still strongly and sincerely desirous of seeing, and, if possible, aiding in a friendly settlement of the differences between Her Majesty's Government and South African Republic being arrived at. I am still looking forward soon to be favoured with the views of Her Majesty's Government on the points touched upon in my telegraphic despatch to Your Excellency of the 27th instant* [? Sept.], receipt thereof was acknowledged by Your Excellency on the following day. *Ends.*

I have replied:—

Begins: I have the honour to acknowledge Your Honour's telegram of to-day, the terms of which I am communicating to Her Majesty's Government. With regard to the movements of troops to which you refer, I can only repeat the assurances given in my telegrams of the 19th and 25th September. I regret that Your Honour should have felt obliged to call up a large body of burghers and to place them immediately on our borders, whereas no Imperial troops have been so placed on the borders of the Orange Free State, except the small detachment in the defence of Kimberley, but as Your Honour has seen fit to take this course I am glad to have Your Honour's assurance that your forces will be held in proper control. As Your Honour is aware, the Government of the South African Republic has mobilized and placed on the borders of Natal a very considerable army, and made dispositions which, unwilling as I am to believe such action possible, seems to indicate an invasion of the Queen's dominions. In view of the repeated declarations of Your Honour, I feel confident that an invasion of Her Majesty's territories by South African Republic would not have countenance and support of Your Honour's Government, all the more so as Your Honour continues to express the hope of a peaceful settlement, of which I likewise do not despair.

I hope to be able very shortly to communicate to you the reply of Her Majesty's Government to your telegram of 27th September.* *Ends.*

No. 32.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 9.30 p.m., October 2, 1899.)

TELEGRAM.

2nd October. No. 3. Following telegram received from British Agent:—

"Volksraad of South African Republic adjourned this morning, *sine die*. President, in an excited speech, declared that war was inevitable. England had shown that she wished to fight, and his people would now show that they would fight under the eyes of the Lord. Burger and Wolmarans spoke similar strain."

No. 33.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 2.55 a.m., October 3, 1899.)

TELEGRAM.

[*Answered by No.* 56.]

2nd October. No. 1. Following telegram received from Civil Commissioner, Zululand:—

Begins: Dinuzulu reports that the natives of Vryheid district are (?) becoming desperate, and it is to be feared they will not remain quiet much longer.

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* *See* No. 17.

Several children taken from their parents have deserted, and Boers are now seizing cattle from kraals they belong to. Dinuzulu says these people, who are all connected by relationship or family ties with himself and his people, appeal to him to represent on their behalf to Her Majesty's Government terrible hardship they are subjected to, and to urge that although country was given to Boers, they consider themselves as much subjects of Her Majesty the Queen as any Englishman resident in Transvaal Republic, and therefore implore Her Majesty's Government to intervene on their behalf in same manner they understand that Her Majesty's Government is intervening on behalf of white British subjects in Transvaal Republic.

This report was conveyed to Gibson by Dinuzulu's chief induna, Mankuluma, with whom I had long conversation through telephone. I told him it would be communicated to you at once by telegraph, and that Dinuzulu would be informed of your reply, and that meanwhile best thing people could do was to remain quiet.

In my opinion it is very probable that natives of Vryheid district will rise against Boers if there is war. Message delivered to Chiefs in this province short time ago has had effect of keeping those across border quiet up to present, but they will not much longer submit to treatment of Boers. Otherwise everything quiet. *Ends.*

No. 34.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.10 a.m., October 3, 1899.)

Telegram.

3rd October. No. 2. Referring to my telegram of 2nd October, No. 2,* following telegram received from President Orange Free State:—

Begins: 3rd October. I have the honour to acknowledge Your Excellency's telegram of this afternoon. I cannot help regretfully expressing my conviction that the action of the Transvaal in putting burghers on their borders is only the natural result, all along feared by me, of the constant increase of British troops and their movement in the direction of Transvaal border. At the same time I have no reason to anticipate any immediate aggressive action on the part of Transvaal, unless further forward movements of British troops should indicate intention of attack upon Transvaal. I beg to urge upon Your Excellency the necessity of trying both to explain the reply to my telegraphic despatch and to prevent further movements of troops. *Ends.*

I have replied as follows:—

I have the honour to acknowledge Your Honour's telegram of yesterday evening. Your Honour must be perfectly well aware that all the movements of British troops which have taken place in this country since the beginning of present troubles, which have been necessitated by the natural alarm of the inhabitants in exposed districts, are not comparable in magnitude with the massing of armed forces by Government of South African Republic on the borders of Natal. I do not suggest that Your Honour is in any way responsible for that action, which appears to me inconsistent with tone of Your Honour's telegrams of 22nd September, in which you expressed your conviction that a peaceful settlement of difficulties was still possible and ought to be arrived at. *Ends.*

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* No. 31.

No. 35.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.45 p.m., October 3, 1899.)

TELEGRAM.

3rd October. No. 4. Referring to your telegram of 28th September, No. 6,* inform Sir Gordon Sprigg, in reply to resolution signed by fifty-three members of Cape Parliament, that Her Majesty's Government have received with much satisfaction the assurance of their support contained in that resolution.

No. 36.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.5 p.m., October 3, 1899.)

TELEGRAM.

3rd October. No. 6. The Petition contained in your telegram of 28th September No. 5 † has been laid before the Queen who was pleased to receive it graciously. In so informing the petitioners you will state that Her Majesty's Government, in their policy towards the South African Republic, have not been unmindful of the sympathies and interests of Her Majesty's subjects of Dutch descent in South Africa. One of the main objects of that policy has been to secure for the non-Dutch inhabitants of the Transvaal similar rights and privileges to those enjoyed by the Dutch in Cape Colony, and to maintain that equality between the two white races which prevail everywhere else in South Africa.

Her Majesty's Government have shown to the Government of the South African Republic every consideration consistent with the realization of this object and the maintenance of British interests. They deeply regret that their efforts to secure a peaceful and satisfactory settlement have hitherto been unsuccessful.

They are unable to adopt the course suggested in the latter part of the Petition for the reasons stated in the note to the Government of the South African Republic of 12th September,‡ which was delivered in pursuance of telegraphic instructions from Her Majesty's Government. In view of the refusal of the Government of the South African Republic to entertain the moderate and conciliatory offer contained in that note Her Majesty's Government feel compelled to formulate their own proposals for a final settlement, which will shortly be communicated to the Government of the South African Republic.

No. 37.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4 a.m., October 4, 1899.)

TELEGRAM.

[*Answered by No.* 42.]

October 3rd.—No. 5. The situation is growing steadily worse. The Orange Free State is expelling British subjects and has closed its borders ; practically the whole body of Burghers is being commandeered. There is now a very large number of refugees in the Colony.

Bar gold estimated at over half-a-million, which was about to be exported in the usual course, has been seized by the South African Republic at its frontier.

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* No. 22. † No. 21. ‡ See No. 52 in C. 9521 and page 61 of this book.

No. 38.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.5 a.m., October 4, 1899.)

Telegram.

[*Answered by No.* 39.]

(Extract.)

4th October. No. 1. President Orange Free State has sent me another long telegram, which is mostly an attack upon us for pursuing what he regards as a policy of menace towards South African Republic, and seems to indicate an intention of picking a quarrel with us. His answer concludes as follows :—"I feel deeply impressed with the danger of delay and with the urgent need of immediate action being taken, if any further attempts are to be made to secure a peaceful solution. I tender once again my best services towards the attainment of that object, but they will, I fear, be useless and unavailing if not preceded or accompanied by the assurances for which I asked on the 27th ultimo."

He also makes a grievance of not having received an answer to his telegram of the 27th September.* I kept back, as you are aware, your telegram of the 29th September No. 2† We ought, however, in my opinion, to answer him now, and I suggest the following :—

Begins.—Her Majesty's Government have repeatedly stated their views on the questions at issue between them and the Government of the South African Republic, and especially in the telegram of 8th September, No. 5.‡ They did not think their position open to misunderstanding but if President of Orange Free State desires elucidation of any special point they are prepared to give it. As regards their military preparations they have been necessitated by policy of Government of South African Republic converting that country into a permanent armed camp. In view of rejection of their last proposals by Government of South African Republic Her Majesty's Government are reconsidering the situation having regard to the grave (? fact) that both Republics have now placed themselves on a war footing.

While intending shortly to put forward new proposals of their own Her Majesty's Government is prepared to listen even at the eleventh hour to definite suggestions from President of Orange Free State for the termination of crisis which are not inconsistent with attainment of objects steadily avowed and pursued by them. *Ends.*

I do not think there is much chance of a compromise although there is apparently still some hope of it in Afrikander circles here.

No. 39.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 8.5 p.m., October 4, 1899.)

Telegram.

[*Answered by No.* 40.]

(Extract.)

4th October. No. 3. Your telegram of 4th October No. 1.§ You may give President Steyn the answer you propose.

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* *See* No. 17. † No. 24. ‡ No. 38. § No. 38.

No. 40.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.30 p.m., 5th October, 1899.)

Telegram.

[*Answered by No.* 41.]

5th October. No. 1. Urgent. Referring to your telegram of 4th October, No. 3,*. I telegraphed Orange Free State President yesterday as follows:—

Begins: I have the honour to acknowledge Your Honour's long telegram of yesterday afternoon,† the substance of which I have communicated by telegraph to Her Majesty's Government. There is, I think, a conclusive reply to your Honour's accusation against the policy of Her Majesty's Government, but no good purpose would be served by recrimination. The present position is that Burgher forces are assembled in very large numbers in immediate proximity to the frontiers of Natal, while the British troops occupy certain defensive positions well within those borders. The question is whether the Burgher forces will invade British territory, thus closing the door to any possibility of a pacific solution. I cannot believe that the South African Republic will make such aggressive action, or that Your Honour would countenance such course, which there is nothing to justify. Prolonged negotiations have hitherto failed to bring about a satisfactory understanding, and no doubt such understanding is more difficult than ever to-day, after expulsion of British subjects with great loss and suffering, but till the threatened act of aggression is committed I shall not despair of peace, and I feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered an immediate termination of present tension and a prospect of permanent tranquillity. *Ends.*

Simultaneously with the receipt of your telegram of 4th October, No. 3,* I received the following from Orange Free State President:—

Begins: I have the honour to acknowledge receipt of Your Excellency's telegram of yesterday evening. I note with pleasure that Your Excellency does not despair of peace, and that you feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered immediate termination of the present tension and a prospect of permanent tranquillity. I see no reason why such proposals should not be forthcoming, and I myself am prepared actively to assist in bringing about the indicated and desirable results. I must, however, point out that it seems to me that it would be most difficult to attempt to make friendly proposals, or continue to negotiate whilst the armed forces on both sides remain in menacing positions now occupied by them. But above all do I consider it would not be practicable to induce Government of South African Republic to make or entertain proposals or suggestions, unless not only the troops menacing their State are withdrawn farther from their borders, but an assurance be given by Her Majesty's Government that all further despatch and increase of troops will at once and during negotiations be stopped, and that those now on the water should either not be landed or at least should remain as far removed as can be from the scene of possible hostilities. I trust Your Excellency will agree with me that these suggestions are only reasonable, as it would be manifestly unfair, should further negotiations prove abortive, a result which I would earnestly endeavour to prevent and which, I trust, need not be anticipated, that the forces of South African Republic [? should be] in a worse position or at a greater disadvantage than they are at present.

I must urge upon Your Excellency the urgent necessity of intimating to me without delay, whether Your Excellency sees your way clear to give effect to these my views and wishes, and, if so, I would be prepared to take steps to at once try and obtain any needful assurance to safeguard against any act of invasion or hostility against any portion of Her Majesty's Colonies or territories pending negotiations, if this preliminary but absolutely essential matter can be regulated between this and to-morrow. I will be further prepared to aid if possible in formulating and heartily to assist in dealing with and supporting all reasonable proposals which shall possess the element of finality and give the assurance of immediate and lasting peace. A reply to

* No. 39.

† *See* No. 38.

the request made in the very last part of my telegraphic despatch to Your Excellency of the 27th ultimo would enable me to judge in how far it would be possible for me to support the requests or requirements of Her Majesty's Government in re-opening negotiations with the Transvaal.

In regard to another point touched upon by Your Excellency in your telegram under reply I have no information before me from which I can infer that Her Majesty's subjects have been expelled with great loss and suffering from the South African Republic. The report no doubt has its origin like many others in exaggerated statements of persons leaving that country in a panic. *Ends.*

It seems to me that the only possible answer is that whatever may be the case with regard to the forces of South African Republic I demur to His Honour's statement that British troops are in a menacing position, and I regret that His Honour should suggest as a condition precedent to further negotiations an assurance from Her Majesty's Government hampering their freedom of action with regard to the disposition of British troops for defensive purposes in British territory. Such an assurance it is impossible for me to suggest Her Majesty's Government to give. I think this answer should be sent with the greatest possible promptitude.

No. 41.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.45 a.m., October 6, 1899.)

TELEGRAM.

6th October. No. 1. Your telegram of 5th October, No. 1.* You may give the answer you propose to President, Orange Free State, but add that if the latter can obtain the needful assurance to safeguard against any act of invasion or hostility against any portion of Her Majesty's Colonies or territories pending negotiations of which he speaks, you will advise Her Majesty's Government to give an assurance in the same terms, *mutatis mutandis*. This will place both parties in exactly the same position. Each will be free to do what they like in their own territories, but neither will be able to trespass on the territories of the other.

No. 42.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.30 p.m., October 7, 1899.)

TELEGRAM.

[*Answered by No.* 46.]

(Extract.)

7th October. No. 1. Your telegram of the 3rd October No. 5†. Under what legal authority, if any, have South African Republic Government seized gold and Orange Free State Government expelled British subjects ? Can you say ?

No. 43.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 9.20 p.m., October 7, 1899.)

TELEGRAM.

7th October. No. 3. Following telegram received from Her Majesty's Agent, Pretoria :—

Begins.—Having received complaints from British subjects that their property had been commandeered, and it having been announced by the newspapers that the

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* No. 40. † No. 37.

State lawyers had advised Government that they were perfectly competent to commandeer any and every sort of property in possession of British subjects, I to-day enquired of State Secretary whether the above announcement represented the views of Government. Reitz, after consultation with State Attorney, replied that the property of private individuals, of whatever nationality, could be and was being commandeered to the value of 15*l.* a head. *Ends.*

No. 44.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.40 a.m., October 8, 1899.)

TELEGRAM.

[*Answered by No.* 48.]

7th October. No. 4. I sent a telegram *en clair* to President Orange Free State this morning in accordance with terms of my suggestion in my telegram of 4th October, No. 1,* approved by you in your telegram of 4th October, No. 3.†

Following telegrams have also been exchanged between us in continuation of my telegram of 5th October, No. 1.‡ :—

Begins.—6th October. With reference to your Honour's telegram of yesterday I must demur to your Honour's statement that British troops are in menacing positions. I regret that your Honour should suggest as a condition precedent to further negotiations an assurance from Her Majesty's Government hampering their freedom of action with regard to the disposition of British troops necessary for defensive purposes in British territory. Such an assurance it is impossible for me to ask Her Majesty's Government to give. If, on the other hand, your Honour can obtain an assurance that, pending negotiations, no act of hostility will be committed against any of Her Majesty's possessions, I am prepared to advise Her Majesty's Government to give an assurance to the like effect. *Ends.*

Begins.—6th October. I have the honour to acknowledge receipt of your Excellency's telegram of to-day. I am earnestly desirous of meeting any reasonable suggestions that may tend to a continuance of friendly negotiations, and to avert an issue for which as I have frequently stated I see no justification whatever. I trust that your Excellency will on reconsideration see that Government of South African Republic in only taking proper precautions for the future might fairly decline, and I do not feel I could be expected to ask them to continue negotiations in the face of the fact that from all sides of Her Majesty's dominions troops are being poured into South Africa with the avowed object of coercing South African Republic into accepting whatever terms Her Majesty's Government might decide to impose. I have no doubt in so far as Her Majesty's troops are intended for defence of Her Majesty's possessions, the same purpose, viz., fully safeguarding those possessions from invasion and subjects from molestation, could be effected. I would be willing to assist in its being effected without [?] one side finding itself put at any great disadvantage during and because of further negotiations. The assurance asked for by your Excellency could, I have no doubt, be obtained and satisfactorily arranged, but the point that I think it fair to urge is that they would be taken by South African Republic as virtually amounting to an act of hostility on the part of Her Majesty's Government to be continuously and extensively increasing its forces [?] during negotiations, when all need for defensive measures can, as I firmly believe, be fully obviated without such increase. *Ends.*

Begins.—7th October. I have the honour to acknowledge the receipt of your Honour's telegram of yesterday afternoon. With every desire to relieve the strain of present situation I cannot go beyond the suggestions made by me in my telegram of yesterday morning. I have no right to attempt to influence your Honour as to what advice it would be reasonable for you to give to Government of South African Republic having regard to the impending increase in Her

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* No. 38. † No. 39. ‡ No. 40.

Majesty's forces in South Africa. My object in all the communications which have [? passed] between us since your Honour's telegram of 2nd October has been to leave nothing undone which could prevent action on the part of South African Republic calculated to make a pacific solution finally impossible. But I cannot, even with that object, ask Her Majesty's Government to pledge themselves either with regard to the disposition of troops within British territories in South Africa, or to their dispatch thither from other parts of the Empire.

No. 45.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.15 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 1. Following telegram received from British Agent:—

Begins.—7th October. Following notice appears in this evening's newspapers:

Begins.—Notice is hereby given to all British subjects who wish to remain in this country during these times of unrest that they must send in applications to Landdrost of Pretoria on or before Monday next 4 p.m., stating business premises, occupation, and how long applicant has been in this country. By order of C. E. Schutte. *Ends.*

Following notice also appears in Johannesburg papers:

Begins.—Notice is hereby given to interested persons that all applications from British subjects to remain in the State in the event of a declaration of war must be addressed to the Mining Commissioners of their districts. Non-British subjects must apply to their respective Consuls and obtain certificates denoting their nationality. By order. *Ends.*

Telegram ends.

No. 46.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 2. Your telegram No. 1 of 7th October.* Greene telegraphs as follows:—

Begins.—No special Resolution of Volksraad was taken as far as I can learn, but it it is supposed that gold was stopped by simple order of Government in virtue of Executive Resolution of 27th September, section 5, sent to your Excellency in my despatch No. 341.

This morning I asked State Secretary to inform me in terms of what enactment gold was stopped. He declined to do so offhand without a written inquiry from me. At present moment the whole country is practically though not avowedly under martial law, although it has not been proclaimed—*e.g.*, commandeering is going on; Kaffirs have to be indoors by six o'clock; white men by nine; all drinking bars are closed, &c.; and the Government are acting absolutely as if a state of war already existed.—*Ends.*

The Resolution referred to was enclosed in my despatch of 4th October.† It only professes to apply to a state of war.

As regards Orange Free State many British subjects have fled in alarm; but there does not seem to have been any order of expulsion. On the contrary complaints are pouring in that British subjects are being commandeered by the Free State, even for personal service, under heavy penalties. A gentleman of position has informed me that Mr. Fischer stated to him personally that the State does not recognize international law. The President also said to him that power to commandeer all persons whatsoever was

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* No. 42.

† Not yet received in Colonial Office.

given by their Commando Law ; and refused to give any assurance as regards Englishmen. This is in accordance with their Military Service Law No. 6 of 1890, section 28, which applies to all inhabitants.

I think that we ought to address a strong protest to the President of the Orange Free State, reserving the rights of Her Majesty's Government to demand compensation. Do you agree to this ?

No. 47.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 11.45 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 3. Following telegram received from British Agent :—

Begins.—Jacobus Christian Carelese, a British subject, born in Cape Town, and who has resided off and on in the Transvaal for twenty-three years, a journeyman tailor by trade, has made an affidavit before me to-day that last evening when going home between 6 and 7 he was challenged by Lieutenant Schutte in command of a party of mounted police and asked (if) he was a Burgher. Carelese replied that he was a British subject. Dutoit then flogged Carelese with a long horse whip and drove him before his horse, notwithstanding that he was practically a cripple and unable to get out of the way. Schutte continued to flog Carelese calling out "hardloop" and "huis toe" regardless of appeals for mercy for nearly 100 yards. I have represented this complaint to State Secretary and asked punishment of Schutte, which Mr. Reitz has promised. *Ends.*

No. 48.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent, 4.30 p.m., October 9, 1899.)

TELEGRAM.

9th October. No. 4. Referring to your telegram of 7th October, No. 4,* your communication to President Orange Free State approved.

No. 49.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received October 9, 1899.)

Government House, Cape Town,
SIR, September 18, 1899.

I have the honour to enclose for your information a copy of correspondence on the subject of the position of aliens in the Orange Free State in the event of hostilities between Great Britain and the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

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* No. 44.

Enclosure 1 in No. 49.

From J. W. DALGLIESH, Esq., M.D., Bloemfontein, to The HIGH COMMISSIONER, Cape Town.

Northumberland Lodge, Bloemfontein,
Orange Free State, August 14, 1899.

To His Excellency,
Sir Alfred Milner, G.C.M.G., K.C.B.,
H.B.M. High Commissioner for South Africa,
and Governor of Cape of Good Hope.

HIS EXCELLENCY,

I APOLOGIZE for troubling you. I beg to be allowed to point out to you the very awkward position in which we British residents in this State will be placed in the event of hostilities breaking out between Great Britain and the Traansvaal plus this State.

Mr. Fischer has informed me that we Britons will be ordered to fight against our country.

That in the event of our refusing to do so we will be fined £37 10*s.* or one month's imprisonment.

That the punishment will be repeated at the end of each month until we change our minds. Mr. Fischer has also informed me that this State does not recognise International Law.

Mr. Fraser has informed me that all nations that have commercial treaties with this State have stipulated therein that their subjects shall be exempted from military service, with the single *exception* of Great Britain, who has never stipulated such in any of her treaties with this State.

I beg to draw Your Excellency's attention to the fact that though the British and the English Afrikanders are so numerous in this State there is no British Consul.

The Bishop of Bloemfontein has asked President Steyn if British subjects would be allowed to remain in this State in case of war simply to look after their possessions if they swore to remain neutral.

The reply he received was "Read the Commando Law."

To go on Commando and fight against our own dear country of course we refuse to do. To leave the country at a moment's notice means ruin.

There is already considerable hostility shown towards us, and the lives of Englishmen living in isolated places have been threatened by some of the more ignorant Boers.

I fully understand that the present is not a suitable time to approach the Government of this State on these points, but I would beg of you, Sir, to do what you can for us if you think it wise to do so, and if not, can you advise us as to what would be the best course for us to adopt?

This will carry my renewed apologies for the trouble I have given Your Excellency.

Yours respectfully,
J. W. DALGLIESH, M.D.

Enclosure 2 in No. 49.

From the IMPERIAL SECRETARY, Cape Town, to J. W. DALGLIESH, ESQ., M.D.

SIR, Government House, Cape Town, August 26, 1899.

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 14th instant, respecting the position of British subjects in the Orange Free State in the event of war with Great Britain.

I am to inform you in reply that while His Excellency is not aware of anything in the relations between Her Majesty's Government and the Free State which could justify a resort to arms on the part of the latter, the question raised by you will not be lost sight of.

I have, &c.,
G. V. FIDDES,
Imperial Secretary.

J. W. Dalgliesh, Esq., M.D.

Enclosure 3 in No. 49.

From R. W. HICKS, Esq., Bloemfontein, to the HIGH COMMISSIONER, Cape Town.

Devonshire House, Bloemfontein, Orange Free State,
September 8, 1899.

YOUR EXCELLENCY,

WILL you kindly inform me for the benefit of the Uitlanders in this town, what provision will be made for them in the event of hostilities between England and the Transvaal. Should this State join the Transvaal and the Britishers be commandeered to protect the Basutoland border, should we be regarded as enemies of the Queen in going so to do, or should we be serving our country ?

I have, &c.,
RD. WENTWORTH HICKS.

To His Excellency
Sir Alfred Milner,
Governor of the Cape Colony.

Enclosure 4 in No. 49.

SIR, Government House, Capetown, September 15, 1899.

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 8th instant, in which you enquire what would be the position of aliens in the Orange Free State in the event of hostilities between Great Britain and the South African Republic.

I am to state that His Excellency is unaware of anything in the relations between Her Majesty's Government and that of the Orange Free State which could justify any hostile action on the part of the latter. But, in any case, there can be no doubt that it would not be in accordance with International Law to compel aliens to take up arms in a war against the Sovereign to whom they owe allegiance. In His Excellency's opinion it would make no difference whether British subjects were actually ordered out against the Queen's soldiers or were utilised in such a manner as to set free a corresponding number of burghers for service against Her troops.

I have, &c.,
G. V. FIDDES,
Imperial Secretary.

R. W. Hicks, Esq.

No. 50.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received October 9, 1899.)

Government House, Cape Town,
September 19, 1899.

SIR,

I HAVE the honour to enclose for your information with reference to my telegram No. 3 of the 18th instant,* a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of proposed laws dealing with possible confiscation of mines and property in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 50.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
September 15, 1899.

SIR,

IN connection with the crisis I have the honour to transmit to Your Excellency herewith translations of two measures which it is proposed to bring before the Volksraad

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* No. 8.

immediately, and which, if passed, are likely to gravely affect the Mining Companies and property holders in the Republic.

These measures are—

(1.) Article 140 of Law 15 of 1898 (Gold Law), as proposed by the Raad Commission, dealing with possible confiscation of mines on which work has been stopped, and the appropriation of the gold output by the State.

(2.) Amendment to the Law of High Treason, providing for the confiscation of the property of persons convicted under the law.

In conclusion, I would draw Your Excellency's attention to the list of instructions and interrogatories addressed to the various mine managers on the Rand by the State mining engineer, on Saturday last, as described in the accompanying extract from the "Star" of yesterday.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

"STAR."—September 14th.

THE TREASON LAW.

Pretoria, Wednesday (Special).—The following draft law, prepared by the Government, will be laid before the First Raad very shortly :—

1. Every person within this Republic who makes himself guilty of the crime of public violence, high treason, or "lese majeste," or of incitement to commit any of those crimes, shall be subject to the punishments provided for the said crimes according to the general law. All properties, movable or fixed, belonging to such person, or to which he may or can lay claim, directly or indirectly within this State at the time of committing said crimes, or at any time thereafter, shall be confiscated in favour of the State, saving, however, the rights of mortgagees.

2. When it should be proved to the satisfaction of a competent court that any person or persons staying outside the Republic incited or instigated any inhabitant of this State to commit high treason, public violence, or "lese majeste." all properties, movable or fixed, belonging to such person or persons, or to which he may or can lay claim within this State, directly or indirectly, at the time of committing such crimes or any time thereafter, shall be confiscated in favour of the State, saving the rights of mortgagees, and saving the punishments which are fixed for such crime by the laws of this Republic.

3. When it should be proved to the satisfaction of any competent court that any person or persons outside this Republic planned attacks or formed relations with foreign powers or their representatives, in order to persuade them to act inimically or undertake a war against this Republic, or to supply them with the means therefor, or endeavour to commit treason, all their property, movable or fixed, or any claim which such persons may or can lay to such property directly or indirectly at the time of committing said crimes, or at any time thereafter, shall be confiscated in favour of the State, saving the rights of mortgagees, and saving the punishments which are fixed for the crimes of public violence, high treason or "lese majeste," according to the laws of this Republic.

"STAR."—September 14th.

GOVERNMENT AND THE MINES.

Pretoria, Wednesday (Special).—The following is a translation of Article 140 of Law 15 of 1898 (Gold Law), as proposed by the Raad Commission. The operation of the Article, as proposed by the Gold Law Commission last year, was postponed until the Government could make certain proposals with reference to it. The Article in the form below will come before the Second Raad for consideration to-morrow or soon after :—

"When the suspension of operations on a mining property, wholly or partially, may, according to the judgment of the Government, for reasons of general interest, no longer continue, the owner or worker of the mynpacht, claim or concession concerned shall be bound, on receiving instructions, personally or by two notices in the 'Staatscourant,' to resume operations within a fixed time.

"On refusing or not complying, the Government can withdraw the rights granted under this law, saving the rights of mortgagees, and those rights can either be granted to others, or the Government can develop the mine concerned or cause it to be developed under its own control. After the withdrawal of rights as described above, the Government shall give the previous owner proper time, according to the judgment of the State Mining Engineer, to remove the establishments and plants from the mine, in default of which, these shall be taxed by the State Mining Engineer, and appropriated by the Government, if it desires, against the taxed price.

"Apart from what is stipulated above, the Government shall be qualified, after the proclamation of, and during the time that martial law is in force, to take under its own control and develop any mine as described in Chapter 2, Section A, Law 12, 1898, within this State, and to use the production of such development to its own benefit ; but the Government shall be obliged, in such case, to make a proper inventory, on taking it over, of all establishments, plants, machinery, and objects attached to and on such mine, and shall, moreover, keep an accurate account of all the mineral or metal production thus developed by it, as also of the expense of development, and for the purpose

the Government shall take care that the mine plans of such mines on the day of taking over the same are marked properly, and are daily thereafter worked up.

"After the repeal of martial law, the Government shall be bound, within reasonable time, to restore the parties interested in such mine in their undisturbed possession thereof, if their rights are protected under International Law, and the Government shall, moreover, be obliged to compensate the parties thus interested properly for the production realised in the development after deducting all taxes, claims, licence fees, and other taxes imposed by law on said mining property, mynpacht or concession, and all working costs during the period it had said mine in its possession, and for all damage which might be caused by Government's fault to the establishments, plant or machinery of such mine, but Government shall not be responsible for reasonable wear and tear or any further damages whatever."

"STAR."—September 14th, 1899.

THE NEW INQUISITION.

Whatever be the intention of the Transvaal Government, whether to surrender to the British demands or to keep a stiff back and give nothing, the Government will do itself and its cause no good by the inquisitorial order which has just been issued regarding the mines. The Government is seriously prejudicing its cause not only in this country, but in Europe. The storm of indignation which is now gathering in England against this so-called Republic will receive added force from the side winds of deeply-interested public opinion in France and Germany, Italy and Austria, and last, but by no means least, in Russia. If the Republic desires to keep the peace, then its latest promulgations against the mines and the mining companies are insensate. If the Republic is determined on facing fearful odds, by accepting the arbitrament of war, it will not help its cause by inflicting financial loss on the citizens of the great Powers in Europe and of the United States. The rulers at Pretoria are making a "dead set" at the mines, and their object seems to be to lay their hands on the gold output, under a declaration of Martial Law, at any moment when such confiscation may be required. That this is not putting the case too strongly against the Government there is great reason to believe from the information in our possession. We are informed that on Saturday last the State Mining Engineer called all the mining inspectors on the Rand together, and gave them instructions, which were to the following effect:—

They were to get from each mine manager a statement showing the quantities in stock of dynamite, coal and provisions, with a full indication of the exact place in the mine where these goods are stored.

Each mine manager was to be asked whether anything had been hidden down the mine, and if so, what it was and where hidden.

Each mine manager was to be asked to furnish a complete list of white employees.

The attention of mine managers was to be directed to a rumour to the effect that, in the event of hostilities, the gold recovered would be hidden if there was no means of getting it out of the country, and they were to be told that this would be illegal.

Mine managers were to be cautioned against making a false or incomplete statement, as this would render the claims of the company liable to confiscation.

The inspectors were to effect a careful inspection of each mine, with the object of making sure that the reports of the managers were correct, and the inspectors were also requested, if they considered this step to be necessary, to examine the books and vouchers.

Finally the inspectors were asked *to attend to this business, and nothing else for the present.*

This is inquisition with a vengeance. It might be supposed that the companies would meet the situation by getting as much gold out of the country as possible before the new legislation is passed, or before the proclamation of Martial Law, and then close down the mines, but they are forestalled. It will be remembered what a sensation was caused last year, when it was proposed to introduce into the new Gold Law an article containing clauses empowering the Government to confiscate the mines. That article is again brought forward, and the Government now desires to put into operation the powers that would be obtained under it. The article will be found translated in another column. It provides that when operations on a mine, claim, or concession are suspended, either wholly, *or partially*, the Government, at its own discretion, can compel operations to be resumed within a fixed time; that if this be not done by the owner or owners, the Government can develop the mine concerned or cause it to be developed under Government control, and that the plant may be expropriated by the Government, if not removed in a certain time (this is practically equivalent to confiscation). Then comes a most important clause in the article, having regard to present circumstances, namely, that while Martial Law is in force, the Government can take under its own control and develop, any mine, and use the production of such development for its own benefit. Refund of production, it is provided, shall be made when Martial Law ceases to operate, but it is hardly necessary to point out that this generosity might, in certain circumstances, be worthless. The chief fact to be remembered is that the Government has the intention of confiscating mining property, and not under Martial Law, in the most arbitrary manner, and that if such powers were passed by the Volksraad there would be no appeal and no reparation possible. Naturally, there is alarm among the mining companies, and the alarm will speedily spread to the immense body of shareholders in Europe. Not merely the interests of British citizens, but of shareholders of all nationalities under the sun, are concerned. We shall be surprised if this proposed action of the Transvaal Government does not draw forth an emphatic protest from the Consuls of the United States, Germany, France, and the other Powers interested. The confiscation of mining property now contemplated by the Transvaal Government would be a gross violation of trading rights and the rights in property of all uitlanders. It would, therefore, be a breach of the Convention. We are not sure that the irritating interference now being practised, to the exclusion of all their other duties, by the mining inspectors, acting under the direct orders of the State Mining Engineer, is not also a breach of Convention obligations calling for immediate and urgent protest in the proper quarter by the British Agent. The country is in a parlous state, it is true, but there is no reason why law-abiding uitlanders should submit to the terrors of this New Inquisition.

No. 51.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received October 9, 1899.)

(Extract.)

Government House, Cape Town, September 20, 1899.

I have the honour to transmit, for your information, copies of further communications from Her Majesty's Agent at Pretoria on the subject of the position in the South African Republic.

From	H.M.'s Agt.,	Tel. No.	315, 15.9.99.
From	do.	do.	316, 16.9.99.
From	do.	Desp.	14.9.99.
From	do.	do.	14.9.99.
From	do.	do.	16.9.99.

I think no good purpose would be served by my going at length into the arguments contained in the reply of the Government of the South African Republic dated 15th September. But there is one statement in it, to which I must particularly refer, in connection with the charges of something like a breach of faith, which are freely made against the British Agent and Her Majesty's Government in connection with the latest phase of the negotiations.

As an instance of these, I would refer to the enclosed articles from the "South African News."

The answer of the South African Republic Government does not, of course, go the length of these articles, but it does suggest that the Government of the South African Republic were misled in the matter. "The proposal," says the State Secretary, "which has now lapsed, contained in the letters of 19th and 21st August, was induced by suggestions given by the British Agent to the State Attorney, and these were accepted by the Government in good faith, and on express request, as an assurance that the proposal would be acceptable to Her Majesty's Government."

This statement is not in accordance with the facts as known to me. As you are aware, the British Agent, on the 2nd August, laid before the Government of the South African Republic the proposal of Her Majesty's Government for a joint enquiry. For ten days there was no sign of a reply on the part of the Government of the South African Republic, but on the 12th August the State Attorney approached the British Agent with the view of finding out, whether Her Majesty's Government would be willing to waive the proposal of a joint enquiry, to which at that time the Government of the South African Republic appear to have entertained the strongest objections, in consideration of the Government of the South African Republic putting forward a more liberal scheme of Uitlander representation. After discussion between them Mr. Greene drew a telegram to me, which Mr. Smuts saw in draft, and the proposals of which, as far as the question of representation was concerned, Mr. Greene was prepared to recommend. I may observe that it was part of these proposals that "the details of the (new) franchise law" which was to be much simpler in form than the existing one "were to be discussed with the British Agent, who may have his legal adviser, and any other points which may arise were to be discussed in the same way." Her Majesty's Government would thus, as I understand the case, have had that opportunity of satisfying themselves of the effectiveness of the new franchise law, and the measures connected with it, to fulfil their avowed purpose, which they have always maintained to be essential.

The draft telegram containing this amended representation scheme concluded with the following paragraph:—"In putting forward above proposals the Government of the South African Republic will assume that Her Majesty's Government will agree that their present intervention shall not form a precedent for future similar action, and that in future no interference in the internal affairs of the Republic contrary to the Convention will take place. Further, that Her Majesty's Government will not further insist on assertion of suzerainty, the controversy on this subject being allowed tacitly to drop. Lastly, arbitration, from which foreign element is excluded, to be conceded as soon as franchise scheme has become law; but in the meantime the form and scope of proposed tribunal to be discussed and provisions agreed upon while franchise scheme is being referred to people, in order that no time may be lost."

With regard to these matters, Mr. Greene does not appear to have committed himself in any way, and did not, as indeed he could not, pledge Her Majesty's Government. The telegram from which I have quoted was then sent to me, together with another containing a report of the conversations which had passed between Mr. Greene and the State

Attorney. I was quite unaware of these pour-parlers until I received the telegrams referred to, which I forwarded to you at length in my telegram of August 15th, No. 1.*

After communication with you, I instructed Mr. Greene, on August 17th, to inform the Government of the South African Republic as follows :—

"If the Government of the South African Republic were to reply to the invitation of Her Majesty's Government to a Joint Enquiry by formally putting forward proposals described in your telegram, Her Majesty's Government would not regard such a course as a refusal of their offer, but would be prepared to consider the reply of the Government of the South African Republic on its merits."

I cannot understand how this reply could be regarded by the Government of the South African Republic as implying that the proposals in the draft telegram would be accepted by Her Majesty's Government without reservation. The meaning of the reply seems to me perfectly plain, viz., that Her Majesty's Government, who had been waiting a fortnight for an answer to their invitation to a Joint Enquiry, were willing to let this new proposal take the place of a direct answer, and to consider it with a view to finding in it the basis of an understanding. If Her Majesty's Government had taken any other course they would certainly have been violently attacked. It would have been said that the Government of the South African Republic had gone a long way to meet Her Majesty's Government and that the latter had shown their irreconcilable spirit by refusing even to consider a proposal containing new and more liberal arrangements as to representation. Her Majesty's Government did, in fact, make a concession to the Government of the South African Republic when they consented to negotiate on a new basis, viz., dropping the Joint Enquiry—but, when, in doing so, they promised to consider the new proposal on its merits, they could not possibly be held to pledge themselves in advance to its acceptance in its entirety.

And the answer which they ultimately gave, when the proposal was formally submitted, was in accordance with this promise. I refer to your telegram of 28th August, No. 1,† the contents of which were communicated by Mr. Greene to the Government of the South African Republic on 30th August. That telegram was a qualified acceptance of the offer of the South African Republic Government. If that proposal, as made by the Government of the South African Republic, had been identical with the forecast of it given by the State Attorney to Mr. Greene, the Government of the South African Republic would still have had no reason to complain of the answer of Her Majesty's Government as disappointing any expectations they could legitimately base upon the communication made to them on August 17th.

But, as a matter of fact, the proposal, when formally made, differed materially from the sketch of it contained in Mr. Greene's telegram, on which the message of August 17th to the South African Republic Government was based. The accuracy of Mr. Greene's telegram it is not competent for the Government of the South African Republic to question, inasmuch as it was initialled by the State Attorney himself. To show the differences between the outline of the contemplated proposal given in that telegram and the proposal itself, it is only necessary to compare the following passages dealing with the vital point of the submission to Her Majesty's Agent of the contemplated new proposals :—

Proposal as communicated to Mr. Greene :—

"The simple details of franchise law to be discussed with British Agent. He may have his legal adviser. Any other points which may arise to be discussed in the same way."

Proposal as formally submitted :—

"Government of the South African Republic will be ready to consider such friendly suggestions regarding details of franchise law as Her Majesty's Government, through British Agent, may wish to convey to them."

A further, and very serious, difference was imported by the note of the South African Republic Government of August 21st, which must be read together with that of August 19th. In the Note of August 19th, the statement of the position of the Government of the South African Republic with reference to future interference, suzerainty, and arbitration, coincided with the terms of Mr. Greene's telegram, as quoted above. In the Note of August 21st, however, the State Secretary put this matter in a very different way, and one much more difficult for Her Majesty's Government to accept or to pass by without the most express reservations.

The Note of August 21st stated the position as follows :—"The proposals of this Government regarding question of franchise and representation contained in that despatch must

* No. 34 in [C. 9521].

† No. 43 in [C. 9521].

be regarded as expressly conditional on Her Majesty's Government consenting to the points set forth in paragraph 5 of the despatch, viz. :—

"(*a*) in future not to interfere in internal affairs of the South African Republic.
"(*b*) not to insist further on its assertion of existence of suzerainty.
"(*c*) to agree to arbitration."

It would thus appear that, if anybody was misled in the matter, it was not the Government of the South African Republic.

Nor is this the end of the story. According to Mr. Greene, the State Attorney, when discussing the above matters with him, made certain explanatory statements as to the intentions of the South African Republic, which being reported by Mr. Greene through me to Her Majesty's Government did, I have no doubt, influence them in expressing a willingness to consider the contemplated counter-proposal of the Government of the South African Republic.

One of these was that in the case of any change in the method of election of the President or Commandant-General, the matter will be discussed between Her Majesty's Government and the Government of the South African Republic ; the other was that the new members of the Raad would be allowed to use their own language.

Undoubtedly these statements of Mr. Smut's, if correctly reported, though not absolutely binding the Government of the South African Republic, were of the greatest importance and must, I believe, have greatly influenced your mind, as they certainly did mine, in considering the advisability of entertaining the new proposals.

A conflict of evidence appears to exist between Mr. Greene and Mr. Smuts on these points, and I can only assume that there was some misunderstanding. This, however, does not affect the position of Her Majesty's Government, who, at the time when they consented to continue the negotiations on the new basis proposed by the South African Republic, had reason to believe that the important concessions above-mentioned were contemplated by the South African Republic, and would form part of any system of Uitlander representation.

I am not now arguing that the Government of the South African Republic were not entitled, if they chose, to withdraw the offer contained in their notes of August 19th and 21st if they were not satisfied with a qualified acceptance of it. I only wish to point out that the contention that they were induced to make that offer by Her Majesty's Agent, and that they were led to expect that it would be acceptable to Her Majesty's Government as it stood, is untenable. It would have been untenable even if the offer made had been quite identical with what Her Majesty's Government had reason to anticipate that it would be. It is, of course, still more so in view of the positive divergencies on certain points of the offer as made from the offer forecasted, and of the misunderstandings which arose in the semi-official conversations with regard to it.

I will only say, in conclusion, that the final proposal of Her Majesty's Government conveyed to the Government of the South African Republic on September 12th, which seems to have been regarded in England as, after all that has passed, a moderate and temperate final offer, was, when first made known here, received with general satisfaction. I hope the above recapitulations of the leading facts, however tedious, may help to show the groundlessness of the charges made against Her Majesty's Government in the matter.

Enclosure 1 in No. 51.

HER MAJESTY'S AGENT, Pretoria, to The HIGH COMMISSIONER, Cape Town.

TELEGRAM.

September 15th. No. 315. I have just been informed by State Secretary that reply of South African Republic Government is ready and is now being copied, but that he would defer handing it to me until to-morrow morning unless I was anxious to have it to-night. I said that I should prefer his acting as he proposed and sending it to me to-morrow.

Enclosure 2 in No. 51.

HER MAJESTY'S AGENT to HIGH COMMISSIONER.

TELEGRAM.

No. 316. September 16th. I have just received reply of Government of South African Republic. Its substance is as follows :—*

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* See Enclosure 5, page 63.

Enclosure 3 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
September 14, 1899.

SIR,

I HAD the honour to acquaint your Excellency by my telegram No. 281 of the 29th of August with the terms of a resolution passed at a meeting of the Uitlander Council held on the 26th of that month, and which was handed to me by a deputation of eight members of the Council on the 29th, representing the professional, artisan, and working classes of Johannesburg.

This resolution, as Your Excellency will recollect, drew the attention of Her Majesty's Government to the great distress that was being caused to the community of the Rand by the delay in coming to a settlement, and urged the extreme necessity of speedy relief being afforded to the Uitlander population.

I have now the honour to transmit to Your Excellency herewith a copy of a further resolution which was passed at a meeting of the Council held this morning, and which has been handed to me this afternoon by the acting chairman of that body.

I feel that it is unnecessary for me to add anything to the vivid terms in which the present deplorable condition of Johannesburg is described in the resolution, and I would therefore merely draw Your Excellency's attention to the concluding paragraph, in which the Council "earnestly appeals to Her Majesty's Government to use every effort to counteract the policy now being pursued by the Pretoria Government, and to effectually put a stop to any further attempts to delay or postpone a final and effectual settlement of the matters in dispute between the two Governments."

Copies of the previous resolution, handed to me on the 29th ultimo, together with a list of the names of the members of the deputation who waited upon me on that date, are annexed.

I have also the honour to enclose a leading article* from the "Star" of last night dealing with the situation.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

RESOLUTION PASSED AT A MEETING OF THE UITLANDER COUNCIL HELD ON SATURDAY, THE 26TH AUGUST, 1899.

Resolved:—The delay is causing great distress to the community, and this distress is constantly increasing and being accentuated.

The Uitlander Council again respectfully urge the extreme necessity of speedy relief being afforded.

A true copy.

W. ST. JOHN CARR,
Hon. Secretary Uitlander Council.

MEMBERS OF THE DEPUTATION FROM THE UITLANDER COUNCIL.

Mr. William Hosken,
Mr. H. Bottomley,
Mr. W. Macdonald,
Mr. J. B. Nicholson,
Mr. E. H. Parry,
Mr. J. W. Quinn,
Mr. A. Raitt,
Mr. R. Shanks.

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* Not reprinted.

RESOLUTION PASSED BY THE UITLANDER COUNCIL ON SEPTEMBER 14TH, 1899.

The Uitlander Council, in view of the daily increasing distress in Johannesburg and the district, resulting from the delay which has occurred in arriving at a settlement between the Imperial Government and the South African Republic, desire respectfully to bring to the notice of Her Majesty's Government the danger that would be incurred by further postponing negotiations with the Government at Pretoria.

1. The Uitlander population, in answer to their petition to Her Majesty, were assured by the British Government that a speedy and satisfactory settlement of their grievances would be arrived at, and at a later date, after two months had elapsed, were again guaranteed that no further delay would take place. Nevertheless, at the present time, no settlement has been arrived at, and the policy at Pretoria points to further procrastination. During the whole of this time the inhabitants of Johannesburg have borne with unexampled patience the suffering which has been entailed by the practical cessation of all business and the various industries of the town. The result of the prolongation of the period of tension is that large numbers of persons are already ruined, whilst thousands of others are reduced to the verge of destitution.

2. In support of this representation of general distress, we beg to bring to your notice that no less than two thousand two hundred persons per week are being supported by the Relief Committee, and this in addition to the number of families which are daily deported by aid of the Relief Committee to the Cape Colony and Natal, whilst a reference to the managers of the various banks and other financial institutions would furnish ample proof of the commercial ruin in which Johannesburg is involved. It may also be pointed out that those of the inhabitants who are in a position to afford it are now, and have been for some time past, leaving the town at the rate of a thousand a day.

3. Apart from the hardships entailed on white residents, the policy of delay is having a very prejudicial effect upon the native population of South Africa. According to the common talk of natives engaged on the mines, in domestic and industrial service in the towns, and of those living at their kraals, the prestige of Great Britain is daily being lowered, and the conviction is becoming rooted in the native mind that the delay in bringing matters to an issue is merely evidence of fear on the part of Great Britain of suffering defeat at the hands of the Boers. The impression in the native mind is daily growing stronger that the Boer is paramount in South Africa.

4. People of Johannesburg have now become weary of waiting, and the present state of feeling is not conducive to the success of the cause which four months ago they espoused with so much zeal and enthusiasm. They are now rapidly approaching that state of mind which is ready to adopt any solution of a difficulty that will most quickly put an end to their sacrifices. This feeling is not induced by disloyalty to the British Government, but is the natural result of a long period of suspense, bringing in its train hardship and distress. On the other hand a continuation of the present situation does not bear harshly on the burgher population, as the latter is not directly concerned in the commercial and industrial activity of the Gold Fields.

5. There can be no doubt that the policy of procrastination is intentionally pursued by the Pretoria Government, knowing, as it well does, the injurious effect it must have on the industrial life of the population of Johannesburg. The object of this policy is clearly to starve the town into such a state of exhaustion that any terms would be welcomed which would bring relief.

6. The Uitlander Council, therefore, having in view the danger of the present situation in Johannesburg, which has been brought about through prolonged delay, earnestly appeals to Her Majesty's Government to use every effort to counteract the policy now being pursued by the Pretoria Government to effectually put a stop to any further attempts to delay or postpone a final and effectual settlement of the matters in dispute between the two Governments.

Enclosure 4 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town

Her Majesty's Agency, Pretoria,
September 14, 1899.

SIR,

I HAVE the honour to report that, on receipt of Your Excellency's telegram, No. 53, of the 12th instant I drew up the Note of which a copy is enclosed to the Govern-

ment of the South African Republic and handed it in person to the State Secretary at midday. I at the same time informed him that, having regard to the fact that Her Majesty's Government earnestly pressed for an immediate and definite reply, I should be glad if he could favour me with an answer by midday on Thursday. I subsequently sent Your Excellency my telegram, No. 309 of the same date, informing you that I had acted as above. On learning, however, in the course of the following day that it was not the intention of the Secretary of State to specify a time limit for the receipt of the reply of the Government of the South African Republic, I wrote a semi-official Note to the State Secretary, of which a copy is enclosed, in the sense of Your Excellency's instructions and received from Mr, Reitz this afternoon the accompanying Note.

I have not as yet received the reply of the Government of the South African Republic to my formal Note of the 12th instant.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 12, 1899.

I HAVE the honour to state to you, in reply to your Note to me of the 2nd instant, that Her Majesty's Government understand that Note to mean that the proposals of the Government of the South African Republic, made in their Note of the 19th of August, are now withdrawn because the reply of Her Majesty's Government, contained in my Note to you of the 30th of August, with regard to future intervention and Suzerainty is not acceptable.

Her Majesty's Government have absolutely repudiated the view of the political status of the South African Republic taken by the Government of the Republic in their Note to me of the 16th of April, 1898, and also in their Note of May 9, 1899, in which they claim the status of a sovereign international State. Her Majesty's Government are therefore unable to consider any proposal which is made conditional on their acceptance of this view. It is on this ground that Her Majesty's Government have been compelled to regard the last proposal of the Government of the South African Republic as unacceptable in the form in which it was presented.

Her Majesty's Government cannot now consent to go back to the proposals for which those in the Note of the Government of the Republic of the 19th of August are intended as a substitute, especially as they are satisfied that Law No. 3, of 1899, in which these proposals were finally embodied, is insufficient to secure the immediate and substantial representation which Her Majesty's Government have always had in view, and which they gather from the reply of the Government of the South African Republic that the latter admit to be reasonable. Moreover, the presentation of the proposals of the Note of the 19th of August indicates that the Government of the South African Republic have themselves recognised that their previous offer might with advantage be enlarged, and that the independence of the South African Republic would be thereby in no way impaired.

Her Majesty's Government are still prepared to accept the offer made in paragraphs 1, 2 and 3 of the Note of the 19th of August taken by themselves, provided that the inquiry which Her Majesty's Government have proposed, whether joint, as Her Majesty's Government originally suggested, or unilateral, shows that the new scheme of representation will not be encumbered by conditions which will nullify the intention to give substantial and immediate representation to the Uitlander. In this connection Her Majesty's Government assume that, as stated to the British Agent, the new members of the Volksraad will be permitted to use their own language.

The acceptance of these terms by the Government of the South African Republic would at once remove the tension between the two Governments, and would in all probability render unnecessary any further intervention on the part of Her Majesty's Government to secure the redress of grievances which the Uitlanders themselves would be able to bring to the notice of the Executive Council and of the Volksraad.

Her Majesty's Government are increasingly impressed with the danger of further delay in relieving the strain which has already caused so much injury to the interests of South Africa, and they earnestly press for an immediate and definite reply to their present proposal.

If it is acceded to, they will be ready to make immediate arrangements for a further Conference between the President of the South African Republic and the High Commissioner, to settle all the details of the proposed Tribunal of Arbitration and the questions referred to in my Note of the 30th of August which are neither Uitlander grievances nor questions of the interpretation of the Convention, but which might be readily settled by friendly communication between the representatives of the two Governments.

If, however, as they most anxiously hope will not be the case, the reply of the Government of the South African Republic is negative or inconclusive, I am to state to you that Her Majesty's Government must reserve to themselves the right to reconsider the situation *de novo* and to formulate their own proposals for a final settlement.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

DEAR MR. REITZ, Her Majesty's Agency, Pretoria, September 13, 1899.

WITH reference to our interview of yesterday, I informed the High Commissioner by telegraph that, having regard to the earnest desire expressed by the Secretary of State for an immediate and definite reply to the communication from Her Majesty's Government, I had informed you that I should be glad to be favoured with an answer to my note by midday on Thursday.

I have now received a telegram from His Excellency in which he desires me to explain to you that while, as appears from their communication, Her Majesty's Government are most anxious for an early reply, it was not the intention of the Secretary of State to specify a definite time limit for the receipt of the answer of the Government of the South African Republic.

His Excellency desires me to add that, if you should consider the time suggested by me as insufficient, he would not interpret the request of Her Majesty's Government for an immediate answer as necessitating a reply within the precise limit of time suggested by me to you at our interview yesterday.

I am, &c.,
CONYNGHAM GREENE.

The Honourable F. W. Reitz,
State Secretary.

DEAR MR. GREENE, Pretoria, September 14, 1899.

I BEG to acknowledge the receipt of your letter of yesterday informing me that it was not the intention of the Secretary of State for the Colonies to specify a definite time limit for the receipt of the answer of the Government of the South African Republic to the last despatch.

Yours truly,
F. W. REITZ.

Enclosure 5 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 16, 1899.

WITH reference to my despatch of the 14th instant, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the State Secretary, dated the 15th instant, conveying the reply of the Government of the South African Republic to the latest communication from the Secretary of State on the subject of the political representation of the Uitlanders. I have already communicated this Note to Your Excellency this afternoon by telegraph.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, September 15, 1899.

THE Government of the South African Republic has the honour to acknowledge the receipt of your Note of the 12th instant in answer to their Note of the 2nd instant.

In answer this Government wishes to state that it learns with a feeling of deep regret that it must understand that Her Majesty's Government withdraw from the invitation sent in your Note of the 23rd of August, and accepted by this Government, and substitute in its place an entirely new proposal.

The proposal, which has now lapsed, contained in the Notes of this Government of 19th and 21st August, was induced by suggestions given by the British Agent to the State Attorney, and these were accepted by this Government in good faith, and on express request, as equivalent to an assurance that the proposal would be acceptable to the British Government. It was in no way the object of this Government, either then or now, to make any needless recapitulations of its contention about its political status as an independent state as defined by the Convention of London of 1884, but only to try to put an end to the state of tension by meeting Her Majesty's Government upon a proposal which it supposed to be constituted, both in spirit and in form, in such a way as it was given to understand as to be satisfactory to Her Majesty's Government.

This Government cannot disguise from itself that in making the proposal contained in its Note of the 19th of August, it probably ran the danger not only of its being disclaimed by the Volksraad and the people, but also that its acceptance might affect the independence of the State by, as therein proposed, giving an immediate vote in the Legislature of the State to a large number of inpouring foreigners, but it set against that the continuous threatening and undoubted danger to its highly prized independence arising from the claim of suzerainty made by Her Majesty's Government, from the interference of that Government in the internal affairs of this Republic and from the want of an automatically working manner of regulating differences between Her Majesty's Government and this Government, and was in consequence prepared to recommend to the Volksraad and to the people to run the danger attached to the offer made in order to avoid the certainty of the greater danger; inasmuch, however, as the conditions attached to the proposal, the acceptance of which constituted the only consideration for its offer, have been declared unacceptable, it cannot understand on what grounds of justice it can be expected that it should be bound to grant the rest, and with a view to the assurance given by the Secretary of State for the Colonies that he would not consider the said offer as a refusal in answer to his invitation to a joint inquiry, based upon the existing franchise law and the scheme of representation for the Witwatersrand Gold Fields, it cannot understand why, as soon as that invitation was accepted (as was done by this Government in its Note of the 2nd of September), Her Majesty's Government declare that they cannot any longer agree to the inquiry on the subject, and for the purpose which that Government itself proposed.

It is also not clear to this Government on what grounds Her Majesty's Government, after having recently by means of their invitation intimated that they could not declare without an inquiry whether the franchise law and the resolutions taken about representation would afford immediate and substantial representation to the Uitlanders in the South African Republic, are to-day in a position without having made any inquiry, so far as this Government is aware, before the law can have been tested in its operation to declare that the measure just mentioned is insufficient for the object contemplated.

It trusts that it will clearly appear from the foregoing that Her Majesty's Government are under a misunderstanding if they suppose that this Government has ever recognised that it has considered the lapsed proposal contained in the Note of the 19th of August without the conditions imposed therein and repeated in the Note of the 21st of August, as a reasonable proposal, or made it as a proposal, and still less that this Government was or is of opinion that its earlier proposal could be extended with advantage to the Republic, without observance of those conditions, or that the Republic would not thereby suffer any violation of its independence.

However earnestly this Government also desires to find an immediate and satisfactory course by which the existing tension should be brought to an end, it feels itself quite unable, as desired, to recommend or propose to the Volksraad and the people the part of its proposal contained in paragraphs 1, 2 and 3 of its Note of the 19th of August omitting the conditions on the acceptance of which alone the offer was based, but declares itself always still prepared to abide by its acceptance of the invitation of Her Majesty's Government to get a joint Commission composed as intimated in its Note of the 2nd of September. It considers that if conditions are contained in the existing franchise law

which has been passed, and in the scheme of representation, which might tend to frustrate the object contemplated, they will attract the attention of the Commission and thus be brought to the knowledge of this Government.

This Government has noticed with surprise the assertion that it had intimated to the British Agent that the new members to be chosen for the Volksraad would be allowed to use their own language ; if it is thereby intended that this Government would have agreed that any other than the official language of the country would have been used in the deliberations of the Volksraad, it wishes to deny the same in the strongest manner. Leaving aside the fact that it is not competent to introduce any such radical change, it has up to now not been able to understand the necessity or even advisability of making a recommendation to the Volksraad in the spirit suggested ; hence also the immediate and express denial given to Her Majesty's Agent by the State Attorney to a question on that subject.

Inasmuch as the proposal for a further conference has been made specially dependent upon the acceptance of a proposal which this Government does not feel at liberty to recommend to the Volksraad, it would perhaps be premature to deal with it further at present ; it merely wishes, however, to remark that it has not yet been made clear to it which are definite questions which would be discussed at the proposed conference and which could not be subjected to arbitration, but it is pleased to see that Her Majesty's Government think that they could readily be settled by means of friendly discussions, while it further welcomes with pleasure the prospect disclosed by Her Majesty's Government of the introduction of a court of arbitration for the decision of all points of difference and points to be discussed at that Conference, and is ready and willing to co-operate towards the composition of such a court, and that the more as it is its firm intention to abide entirely by the Convention of London of 1884 as its effort has been continually to do.

Finally, this Government continues to cherish the hope that Her Majesty's Government, on further consideration, will feel themselves free to abandon the idea of making new proposals more difficult for this Government, and imposing new conditions, and will declare themselves satisfied to abide by their own proposal for a Joint Commission as first proposed by the Right Honourable the Secretary of State for the Colonies in the Imperial Parliament, and subsequently proposed to this Government and accepted by it. If Her Majesty's Government are willing, and feel able to make this decision, it would put an end to the present state of tension, race hatred would decrease and die out, the prosperity and welfare of the South African Republic and of the whole of South Africa would be developed and furthered, and fraternisation between the different nationalities would increase.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent, Pretoria.

No. 52.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 a.m., October 10, 1899.)

TELEGRAM.

9th October. No. 1. I have received another lengthy telegram from President Orange Free State. Substance as follows:—

As regards reply of Her Majesty's Government to telegram of 27th September, he expresses regret that Her Majesty's Government has not given assurance as to cessation of further movement or increase of troops pending negotiations.

He demurs to statement that military preparations of Her Majesty's Government have been necessitated by conversion of South African Republic into an armed camp. Her Majesty's Government must be entirely misinformed and it would be regrettable if, through such misunderstanding, present state of extreme tension were allowed to continue.

Though Her Majesty's Government may regard precautions taken by South African Republic after Jameson Raid as excessive, Government of South African Republic cannot be blamed for adopting them, in view of large Uitlander population constantly being stirred up, through hostile press, to treason and rebellion by persons and organizations financially or politically interested in overthrowing the Government.

Arming of Burghers not intended for any purpose of aggression against Her Majesty's dominions. People of South African Republic have, since shortly after Jameson Raid, been practically as fully armed as now, yet have never committed any act of aggression.

It was not till Her Majesty's Government, with evident intention of enforcing their views on South African Republic in purely internal matters, had greatly augmented their forces and moved them nearer to borders that a single Burgher was called up for the purpose, as he firmly believed, of defending country and independence.

If this natural assumption erroneous, not too late to rectify misunderstanding by mutual agreement to withdraw forces on both sides and undertaking by Her Majesty's Government to stop further increase of troops. Without this futile to attempt to make or obtain suggestion or proposals for solution of differences which are not of a nature to justify employment of force except on assumption of inauguration of a policy on the part of Her Majesty's Government which he would be most reluctant to adopt.

As regards Orange Free State placing itself on war footing that State has everything to lose and nothing to gain by being embroiled and would not have called up its Burghers nor would it have cheerfully and unanimously responded to call but for conviction that presence of British troops on borders of both Republics was menace to both and attack upon independence of South African Republic which Orange Free State was bound to defend, protestations to the contrary appearing inconsistent with action of Her Majesty's Government.

In answer to my telegram of 7th President regrets that I can hold out no hope of his fair and reasonable request being acceded to or of sincere offer to further peaceful solution being accepted.

No. 53.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 6.45 a.m., October 10, 1899.)

Telegram.

[*Answered by No.* 57.]

9th October. No. 3. Following telegram received from British Agent:—

Begins: Following full text of note received from the Government of the South African Republic bearing date to-day:—

Begins:

Sir,

The Government of the South African Republic feels itself compelled to refer the Government of Her Majesty the Queen of Great Britain and Ireland once more to the Convention of London, 1884, concluded between this Republic and the United Kingdom and which [? in] its XIVth Article secures certain specified rights to the white population of this Republic namely that "All persons, other than natives, conforming themselves to the laws of the South African Republic (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed

upon citizens of the said Republic." This Government wishes further to observe that the above are only rights which Her Majesty's Government have reserved in the above Convention with regard to the Uitlander population of this Republic and that the violation only of those rights could give that Government a right to diplomatic representations or intervention while, moreover, the regulation of all other questions affecting the position or the rights of the Uitlander population under the above-mentioned Convention is handed over to the Government and the representatives of the people of the South African Republic. Amongst the questions the regulation of which falls exclusively within the competence of the Government and of the Volksraad are included those of the franchise and representation of the people in this Republic, and although thus the exclusive right of this Government and of the Volksraad for the regulation of that franchise and representation is indisputable, yet this Government has found occasion to discuss in a friendly fashion the franchise and the representation of the people with Her Majesty's Government, without, however, recognizing any right thereto on the part of Her Majesty's Government. This Government has also, by the formulation of the now existing Franchise Law and the Resolution with regard to representation, constantly held these friendly discussions before its eyes. On the part of Her Majesty's Government, however, the friendly nature of these discussions has assumed a more and more threatening tone, and the minds of the people in this Republic and in the whole of South Africa have been excited and a condition of extreme tension has been created, while Her Majesty's Government could no longer agree to the legislation respecting franchise and the Resolution respecting representation in this Republic, and finally, by your note of 25th September, 1899, broke off all friendly correspondence on the subject, and intimated that they must now proceed to formulate their own proposals for a final settlement, and this Government can only see in the above intimation from Her Majesty's Government a new violation of the Convention of London, 1884, which does not reserve to Her Majesty's Government the right to a unilateral settlement of a question which is exclusively a domestic one for this Government and has already been regulated by it.

On account of the strained situation and the consequent serious loss in and interruption of trade in general which the correspondence respecting the franchise and representation in this Republic carried in its train, Her Majesty's Government have recently pressed for an early settlement and finally pressed. by your intervention, for an answer within forty-eight hours (subsequently somewhat modified) to your note of the 12th September, replied to by the note of this Government of the 15th September, and your note of the 25th September, 1899, and thereafter further friendly negotiations broke off and this Government received the intimation that the proposal for a final settlement would shortly be made, but although this promise was once more repeated no proposal has up to now reached this Government. Even while friendly correspondence was still going on an increase of troops on a large scale was introduced by Her Majesty's Government and stationed in the neighbourhood of the borders of this Republic. Having regard to occurrences in the history of this Republic which it is unnecessary here to call to mind, this Government felt obliged to regard this military force in the neighbourhood of its borders as a threat against the independence of the South African Republic, since it was aware of no circumstances which could justify the presence of such military force in South Africa and in the neighbourhood of its borders. In answer to an enquiry with respect thereto, addressed to His Excellency the High Commissioner, this Government received, to its great astonishment, in answer, a veiled insinuation that from the side of the Republic (van Republikeinsche zyde) an attack was being made on Her Majesty's Colonies and at the same time a mysterious reference to possibilities whereby it was strengthened in its suspicion that the independence of this Republic was being threatened. As a defensive measure it was therefore obliged to send a portion of the Burghers of this Republic in order to offer the requisite resistance to similar possibilities. Her Majesty's unlawful intervention in the internal affairs of this Republic in conflict with the Convention of London, 1884, caused by the extraordinary strengthening of troops in the neighbourhood of the borders of this Republic, has thus caused an intolerable condition of things to arise

whereto this Government feels itself obliged, in the interest not only of this Republic but also [?] of all South Africa, to make an end as soon as possible, and feels itself called upon and obliged to press earnestly and with emphasis for an immediate termination of this state of things and to request Her Majesty's Government to give it the assurance

(*a*) That all points of mutual difference shall be regulated by the friendly course of arbitration or by whatever amicable way may be agreed upon by this Government with Her Majesty's Government.

(*b*) That the troops on the borders of this Republic shall be instantly withdrawn.

(*c*) That all reinforcements of troops which have arrived in South Africa since the 1st June, 1899. shall be removed from South Africa within a reasonable time, to be agreed upon with this Government, and with a mutual assurance and guarantee on the part of this Government that no attack upon or hostilities against any portion of the possessions of the British Government shall be made by the Republic during further negotiations within a period of time to be subsequently agreed upon between the Governments, and this Government will, on compliance therewith, be prepared to withdraw the armed Burghers of this Republic from the borders.

(*d*) That Her Majesty's troops which are now on the high seas shall not be landed in any port of South Africa.

This Government must press for an immediate and affirmative answer to these four questions, and earnestly requests Her Majesty's Government to return such an answer before or upon Wednesday the 11th October, 1899, not later than 5 o'clock p.m., and it desires further to add that in the event of unexpectedly no satisfactory answer being received by it within that interval [it] will with great regret be compelled to regard the action of Her Majesty's Government as a formal declaration of war, and will not hold itself responsible for the consequences thereof, and that in the event of any further movements of troops taking place within the above-mentioned time in the nearer directions of our borders this Government will be compelled to regard that also as a formal declaration of war.

I have, &c.,
F. W. REITZ,
State Secretary.

No. 54.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 3.40 p.m., October 10, 1899.)

TELEGRAM.

10th October. No. 2. Referring to your telegram of 8th October, No. 2.* I agree that you should address a strong protest to the President of the Orange Free State against commandeering of British subjects, reserving the rights of Her Majesty's Government to demand compensation, and pointing out that if these persons should be compelled to bear arms against the forces of the Sovereign to whom they owe allegiance such a proceeding would not be justified according to international law.

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* No. 46.

No. 55.

MR. CHAMBERLAIN to GOVERNOR W. F. HELY-HUTCHINSON (NATAL).

(Sent 4 p.m., October 10, 1899.)

TELEGRAM.

(Extract).

10th October. No. 2. Referring to your telegram, 2nd October, No. 1.* You should inform Dinizulu that the words of the Queen's Government are the same as the words of the Governor, namely, that he should keep quiet; and also that no words can be sent through Dinizulu to natives in the Transvaal, who are not under the Queen's Government.

No. 56.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 7.30 p.m., October 10, 1899.)

TELEGRAM.

[*Answered by No.* 60.]

10th October. No. 7. British Agent should say, when he presents the reply to the demands of the South African Republic Government, that, as that Government has said in its message that it would regard as a formal declaration of war a refusal to comply with its demands, he is instructed to ask for his passports.

No. 57.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.45 p.m., October 10, 1899.)

TELEGRAM.

10th October. No. 8. Her Majesty's Government have received with great regret the peremptory demands of the Government of the South African Republic conveyed in your telegram of 9th October, No. 3.† You will inform the Government of the South African Republic, in reply, that the conditions demanded by the Government of the South African Republic are such as Her Majesty's Government deem it impossible to discuss.

No. 58.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.25 p.m., October 11, 1899.)

TELEGRAM.

11th October. No. 4. Most urgent. Inform British Agent in South African Republic that the Government of the United States has been asked to allow their Consul to take charge of Agency. Let British Agent try to arrange accordingly pending reply.

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* No. 33. † No. 53.

No. 59.

Mr. CHAMBERLAIN to High Commissioner Sir ALFRED MILNER.

(Sent 2.10 p.m., October 11, 1899.)

Telegram.

11th October. No. 5. Referring to your telegram of 8th October, No. 3,* in view of incident reported and of alleged outrages to which refugees from the Transvaal have already been subjected, as well as in view of the persistent rumours which have reached Her Majesty's Government as to threats to murder British subjects, you should warn President Kruger at once in the terms of my telegram of 29th September, No. 1.†

No. 60.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 2.45 a.m., October 12, 1899.)

Telegram.

11th October. No. 3. Referring to your telegram of 10th October, No. 7.‡ Your note has been delivered by British Agent according to your instructions. Greene will leave Pretoria together with British Vice-Consul at 2 p.m. to-morrow. His journey through both Republics has been suitably arranged for.

Safe conduct has been promised by Government South African Republic to British Consul in Swaziland, if he comes through their territory. I have left it to him to come away or stay, as he thinks best. If he comes out, it will be by Lourenço Marques, I expect.

No. 61.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 8 a.m., 12th October, 1899.)

Telegram.

[*Answered by No.* 62.]

11th October. No. 6. I telegraphed to-day to President of Orange Free State reciting latest communications between us and South African Republic and continuing as follows:—

Begins: In view of Resolution of Volksraad of Orange Free State communicated to me in Your Honour's telegram of 27th September I have the honour to request that I may be informed at Your Honour's earliest possible convenience whether this action on the part of the South African Republic has Your Honour's concurrence and support. *Ends.*

President of Orange Free State has just replied as follows:—

Begins: 11th. I have the honour to [?] acknowledge Your Excellency's telegrams of this evening. The high handed and unjustifiable policy and conduct of Her Majesty's Government in interfering in and dictating in the purely internal affairs of South African Republic, constituting a flagrant breach of the Convention of London, 1884, accompanied at first by preparations, and latterly followed by active commencement of hostilities against that Republic, which no friendly and well-intentioned efforts on our part could induce Her Majesty's Government to abandon, constitute such an

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* No. 47. † No. 23. ‡ No. 56.

undoubted and unjust attack on the independence of the South African Republic that no other course is left to this State than honourably to abide by its Conventional Agreements entered into with that Republic. On behalf of this Government, therefore, I beg to notify that, compelled thereto by the action of Her Majesty's Government, they intend to carry out the instructions of the Volksraad as set forth in the last part of the Resolution referred to by Your Excellency. *Ends.*

No. 62.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 2.55 p.m., October 12, 1899.)

TELEGRAM.

[*Answered by No.* 63.]

12th October. No. 3. I have to acknowledge the receipt of your telegram of the 11th October, No. 6,* from which it appears that the Orange Free State has definitely joined the South African Republic in its declaration of war. I presume that there is not the slightest foundation in fact for the statement of President Steyn that there has been an active commencement of hostilities against the South African Republic prior to their ultimatum.

No. 63.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 a.m., October 13, 1899.)

TELEGRAM.

12th October. No. 8. Referring to your telegram, No. 3, of 12th October,† the statement you refer to has not the slightest foundation.

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* No. 61. † No. 62.

NATAL.

CORRESPONDENCE

ROYAL ASIATIC SOCIETY
LIBRARY
BOMBAY
BRANCH

RELATING TO THE

DEFENCE OF NATAL.

Presented to both Houses of Parliament by Command of Her Majesty.
January, 1900.

IN MEMORIAM

GŪLBĀI

FROM HER SON

FREDŪN D. MŪLLA.

TABLE OF CONTENTS.

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
1	High Commissioner Sir Alfred Milner.	Telegram	May 25 (Rec. May 25.)	Reports communications with the Governor of Natal as to the attitude of the Colony in the event of hostilities; he has informed the Governor that the Colony would be defended in the event of an invasion with the whole force of the Empire.	1
2	To High Commissioner Sir Alfred Milner.	Telegram	May 28	Approves his reply to the Governor ...	1
3	Ditto	Telegram	June 23	Approves his proposed reply to Natal Ministers' Minute in No. 4.	2
4	Governor Sir W. F. Hely-Hutchinson.	—	June 17 (Rec. July 10.)	Encloses copy of a Minute from Ministers, asking that their views may be considered before any final step is taken likely to lead to war.	2
5	Ditto	Telegram 1.	July 16 (Rec. July 16.)	Reports that, at the request of Ministers, he has asked the General Officer Commanding the troops in Natal what provision has been made for the defence of the Colony, but the General Officer Commanding the troops in South Africa has declined to communicate the plan without permission; submits that Ministers are entitled to know.	3
6	Ditto	Telegram 2.	July 16 (Rec. July 16.)	Reports that Sir W. Penn Symons (commanding in Natal), considers that 2,000 more troops are necessary for efficient defence.	3
7	To Governor Sir W. F. Hely-Hutchinson.	Telegram	July 19	Informs him that the communication to him of the plan of defence has been authorised, and that he may communicate it to the Prime Minister.	4
8	Governor Sir W. F. Hely-Hutchinson.	Telegram 1.	July 25 (Rec. July 26).	Forwards a Minute from Ministers asking that if hostilities are feared steps may be taken at once effectually to defend the whole Colony.	4
9	Ditto	Telegram 2.	July 25 (Rec. July 25.)	Reports that Sir W. Symons now thinks 5,000 more troops are necessary to make defence complete.	4
10	To Governor Sir W. F. Hely-Hutchinson.	Telegram	July 27	Informs him that the matter is receiving consideration.	5

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Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
11	Governor Sir W. F. Hely-Hutchinson.	—	July 5 (Rec. July 29.)	Encloses copy of a despatch from the High Commissioner, assuring Ministers that Her Majesty's Government will exhaust every peaceable effort, and will endeavour to keep Ministers informed of any serious developments.	5
12	To Governor Sir W. F. Hely-Hutchinson.	Telegram 1.	August 3	Informs him that arrangements for sending at least 2,000 men are in progress.	6
13	Governor Sir W. F. Hely-Hutchinson.	Telegram	August 6 (Rec. Aug. 7.)	Reports that he has communicated No. 12 to Ministers, and that it is not intended to call out the volunteers at present.	6
14	To Governor Sir W. F. Hely-Hutchinson.	Telegram	August 7	States that Her Majesty's Government cannot say there is no possibility of war, and are therefore sending reinforcements.	6
15	Governor Sir W. F. Hely-Hutchinson.	Telegram 3.	August 8 (Rec. Aug. 9.)	Forwards minute from Ministers thanking Her Majesty's Government for reinforcements and deprecating the calling out of the Volunteers at the present moment.	6
16	Ditto	Telegram 1.	August 8 (Rec. Aug. 9.)	Reports that Prime Minister has intimated that in case of emergency the Volunteers would be called out at once to co-operate with Her Majesty's troops.	7
17	To Governor Sir W. F. Hely-Hutchinson.	Telegram 1.	August 9	Observes that the assurances of Ministers are satisfactory.	7
18	Governor Sir W. F. Hely-Hutchinson.	—	July 21 (Rec. Aug. 11.)	Encloses correspondence with Ministers and with Sir W. Symons.	8
19	Ditto	Telegram	August 17 (Rec. Aug. 17.)	Reports arrangements which are being made by the Government to furnish military assistance.	11
20	Ditto	—	July 29 (Rec. Aug. 18.)	Forwards copy of the minute from Ministers transmitted in No. 8, and an extract from a letter from Sir W. Symons as to the reinforcements required.	12
21	Ditto	—	August 12 (Rec. Sep. 1).	Encloses copy of a minute from Ministers stating that while they do not shrink from their responsibilities, they think that the local forces ought not to be called out until it is absolutely necessary.	14
22	Ditto	Telegram	September 6 (Rec. Sept. 6).	Forwards message from Ministers, urging that a force adequate for the defence of the Colony should at once be sent, and that in the meantime no steps should be taken to precipitate hostilities.	15
23	To Governor Sir W. F. Hely-Hutchinson.	Telegram	September 7.	Informs him that No. 22 is engaging the serious attention of Her Majesty's Government.	16

Serial No.	From or to whom.	—	Date.	Subject.	Page.
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24	To Governor Sir W. F. Hely-Hutchinson.	Telegram	September 9	Notifies the despatch of reinforcements from India and England.	16
25	Governor Sir W. F. Hely-Hutchinson.	Telegram 2.	September 13 (Rec. Sept. 13.)	Conveys cordial thanks of Ministers for prompt compliance with their request.	16
26	Ditto	Telegram	September 13 (Rec. Sept. 13.)	Reports views of Sir W. Symons as to the occupation of Laing's Nek and the general defence of the Colony.	17
27	Ditto	Telegram 3.	Sept. 13 (Rec. Sept. 13.)	Transmits a telegram sent to High Commissioner expressing the opinion that in the event of undue delay of the reply to the message addressed to the Government of the South African Republic, troops should be advanced to Glencoe Junction to secure the coal supply.	17
28	Ditto	Telegram 1.	Sept. 25 (Rec. Sept. 25.)	Reports that Glencoe is being occupied and reinforcements sent to Ladysmith.	17
29	Ditto	Telegram 5.	September 28 (Rec. Sept. 28.)	Reports information received as to movements of Boers, and that the Natal Volunteers have been called out.	18
30	Ditto	Telegram	October 4 (Rec. Oct. 4.)	Reports despatch of reinforcements to Ladysmith.	18
31	Ditto	Telegram 1.	Oct. 5 (Rec. Oct. 5.)	Reports arrival of troops at Durban.	18
32	Ditto	Telegram 3.	Oct. 5 (Rec. Oct. 5.)	Ditto.	18
33	Ditto	Telegram 1.	October 9 (Rec. Oct. 9.)	Ditto.	18
34	Ditto	—	September 14 (Rec. Oct. 9.)	Encloses copy of a Minute from Ministers expressing cordial thanks for prompt compliance with their request for reinforcements.	19
35	Ditto	Telegram 5.	October 12 (Rec. Oct. 12.)	Reports arrival of troops at Durban.	19
36	Ditto	—	September 22 (Rec. Oct. 23.)	Encloses copy of a despatch to the High Commissioner, giving his reasons for having postponed his request that the troops might be advanced to Glencoe and Newcastle.	19
37	Ditto	—	September 29 (Rec. Oct. 23.)	Reports the occupation of Glencoe, and generally on the military situation.	22
38	Ditto	—	October 11 (Rec. Nov. 6.)	Encloses memorandum of a conversation with Sir George White as to the occupation of Glencoe.	25

NATAL.

CORRESPONDENCE

RELATING TO THE

DEFENCE OF NATAL.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.40 p.m., 25th May, 1899.)

TELEGRAM.

(Extract.)

25th May. Governor of Natal has written me important letters. Owing to Boer preparations across the border scattered British in the northern corner of Natal are getting anxious, and the Ministry is nervous at the prospect of war. The Governor has told the acting Prime Minister that he has no reason to anticipate hostilities, but that if the British Government found it necessary to advance fair and reasonable demands in the interests of the Uitlanders, the Natal Government ought to give British Government unwavering support and to share duty and responsibilities involved, and not to confine itself to benevolent neutrality.

This was taking quite the right line, in my opinion.

The Minister replied that he would gladly do as the Governor suggested, but that he feared the consequences to Natal if the British Government drew back after all.

On this I have telegraphed the following to the Governor: "You can tell Minister from me that it is out of the question that any invasion of Natal should be tolerated by Her Majesty's Government. Such an event is highly improbable, I think; but Natal would be defended with the whole force of the Empire, if it occurred, and redress would be exacted for any injury to her."

No. 2.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.20 p.m., 28th May, 1899.)

TELEGRAM.

I approve of your message to Governor of Natal referred to in your telegram of 25th May.*

* No. 1.

No. 3.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 23rd June, 1899.)

TELEGRAM.

(Extract.)

23rd June. Your telegram of 22nd June* received. I approve your proposed answer to Natal Ministers.

No. 4.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR, Government House, Pietermaritzburg, Natal, June 17, 1899.

I HAVE the honour to transmit to you the copy of a despatch addressed to the High Commissioner, enclosing a Minute from Ministers relating to negotiations with the Government of the South African Republic.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 4.

GOVERNOR to HIGH COMMISSIONER.

SIR, Government House, Pietermaritzburg, Natal, June 17, 1899.

I HAVE the honour to forward, for Your Excellency's consideration, and for such reply as you may deem it advisable to send, a copy of a Minute which I have just received from Ministers.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.
Cape Town.

(Minute.)

Prime Minister's Office, Pietermaritzburg, June 17, 1899.

Ministers view with the gravest concern the present extremely critical position in South Africa.

It is unnecessary for Ministers to point out that war between the two principal white races in South Africa would be a terrible calamity, and should not be resorted to until all possible means of bringing about a peaceful solution of the present difficulties had been tried and had failed.

Ministers desire to impress on Your Excellency and on His Excellency the High Commissioner that the outbreak of hostilities between Great Britain and the South African Republic might lead to civil war, and would, in any case, tend to the perpetuation of racial bitterness, and to seriously retard the progress and prosperity of South Africa.

Ministers would further point out that should war unfortunately break out, Natal would probably become the field of operations, and as this Government would, as a matter of course, give its loyal and active support to Her Majesty's Government, Natal would thereafter be regarded by the South African Republic and the Orange Free State with suspicious and unfriendly feelings.

Ministers also wish to call the attention of Your Excellency and of His Excellency the High Commissioner to the disastrous effect which a prolonged and sanguinary conflict between the English and Dutch might have on the numerous native tribes

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* Not printed. This telegram contained Ministers' Minute enclosed in No. 4. For the answer see enclosure in No. 11.

throughout South Africa, many of whom would probably take advantage of such a conflict to rise against the white races.

The perpetuation of racial bitterness, the loss of life and injury to property, the stagnation of trade, and the native unrest, which would inevitably follow on the declaration of war, compel Ministers to hope for a continuance of the policy of patience and conciliation which has been hitherto adopted by Her Majesty's Government.

Ministers, therefore, as responsible to the Natal Parliament, and representing Natal, consider it their duty to express their view, that South Africa ought not to be exposed to war, by any act of Her Majesty's Government, without their opinions having been heard. They ask that before a final step is taken, before a position be adopted by Her Majesty's Government which is likely to lead to war, their views may be considered by Her Majesty's Government. There is no claim on their part to veto, or attempt to veto, war. If they were to make a representation to Her Majesty's Government against war, and Her Majesty's Government, after considering that representation, were to decide that matters must take their course, Her Majesty's Government would, as already stated, receive the active and sympathetic support of the Government of Natal. But, in view of the considerations set forth in the foregoing paragraphs of this Minute, Ministers feel bound to express the view that their opinions should be heard.

Ministers will be glad to co-operate in conjunction with the other Governments of South Africa in any steps which might tend to bring about a peaceful solution of the present differences.

A. H. HIME,
Prime Minister.

No. 5.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 7.50 p.m., 16th July, 1899.)

TELEGRAM.

16th July. No. 1. I telegraphed as follows to Symons on 14th July :—

Begins : "Following received from Ministers :

Begins : Ministers respectfully request that they may be informed confidentially what provision has been made by the military authorities for the defence of this Colony in the event of a sudden or unexpected and possibly unauthorized attack upon the Colony from the South African Republic or Orange Free State. *Ends.*

Please let me have a reply at early convenience." *End of Telegram.*

I received letter last night informing me that he had telegraphed to General Officer Commanding the troops South Africa, and to-day he transmits following telegram from General Officer Commanding the troops :—

Begins : "Please inform Governor that scheme has been prepared and approved for defence of Colony, but General Officer Commanding cannot make it known without order from Secretary of State." *Ends.*

Ministers, I submit, are entitled to be informed confidentially at least whether and what part of north of Colony will be undefended.

I have sent High Commissioner copy of this.

No. 6.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 9.15 p.m., 16th July, 1899.)

TELEGRAM.

(Extract.)

16th July. No. 2. It would be impossible, as I am unofficially aware, to defend Natal north of Hattingspruit with the present garrison and volunteers. I am informed by Symons that if this Colony is to be placed in efficient state of defence, 2,000 more troops are necessary. He considers himself precluded from communicating to me officially the outline of the scheme of defence.

I have sent High Commissioner copy of this.

No. 7.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON.

(Sent 6.20 p.m., 19th July, 1899.)

TELEGRAM.

19th July. Referring to your two telegrams of the 16th July* War Office have instructed General Officer Commanding South Africa to communicate outline of Natal defence scheme to General Officer Commanding Natal, and to authorize him to communicate it to you. You may communicate it to Prime Minister confidentially.

No. 8.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 8 a.m. 26th July, 1899.)

TELEGRAM.

25th July. No. 1. Ministers have sent me following Minute:—

Begins: In their minute to Your Excellency of the 17th ultimo, Ministers pointed out the danger to which this Colony would be exposed should hostilities unfortunately break out between the Imperial Government and the South African Republic.

The High Commissioner, in his minute of the 26th ultimo, referred to a telegram, dated the 25th May, which he had sent in reply to a previous minute from Ministers, and in which His Excellency stated that it was out of the question that Her Majesty's Government should tolerate any invasion of Natal—an event which His Excellency thought was highly improbable—but that if it did occur Natal would be defended with the whole force of the Empire and redress would be exacted for any injury done to her.

Ministers now learn with extreme surprise, from Your Excellency's minute of the 24th instant, that should any circumstances arise which might lead to the sudden outbreak of hostilities with the South African Republic, it would not be possible for the military authorities in Natal, with the garrison and Colonial forces now available, to effectually defend the northern portion of the Colony.

Ministers cannot regard the defence of the Dundee and Navigation Collieries and other collieries in the vicinity, and the holding of the line of railway as far as the Ingagane Bridge, as being a fulfilment of the promise that Natal would be defended with the whole force of the Empire.

Ministers therefore ask that, if Her Majesty's Government have any reason to fear that the present negotiations may not result in a peaceful settlement, such steps may be at once taken as may be necessary for the effectual defence of the whole of the Colony, and to this end Ministers ask Your Excellency to be good enough to telegraph the contents of this minute to Her Majesty's Government and to His Excellency the High Commissioner. *Ends.*

No. 9.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 10.30 p.m., 25th July, 1899.)

TELEGRAM.

(Extract.)

25th July. No. 2. I am now informed confidentially by Symons that he thinks 5,000 additional troops required to make defence complete.

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* Nos. 5 and 6.

No. 10.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON.

(Sent 6 p.m., 27th July, 1899.)

TELEGRAM.

27th July. Referring to your telegrams of 25th July, No. 1 and No. 2,* matter is receiving consideration.

No. 11.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received July 29, 1899.)

Government House, Pietermaritzburg, Natal,
July 5, 1899.

SIR,

IN continuation of my despatch of 17th ultimo,† I have the honour to forward a copy of the High Commissioner's reply to Ministers' minute.

2. At the request of Ministers, copies of their Minute and of the High Commissioner's reply have been communicated to the Cape Ministers by the High Commissioner.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 11.

HIGH COMMISSIONER to GOVERNOR.

SIR, Government House, Cape Town, June 26, 1899.

I HAVE the honour to request that you will give the following message, confidentially, to your Ministers from me, in reply to their minute of 17th instant, a copy of which was forwarded in your despatch of the same date.

I have given very careful consideration to the views expressed by the Natal Government, and fully sympathise with the anxiety they feel at the present critical situation. The reasons for that anxiety are forcibly stated by Ministers, and I need hardly say that they are constantly present to my mind. More particularly do I recognise the very special interest which Natal has in the question, as pointed out in the fourth paragraph of their minute, and in connection with this subject I would refer to the telegram addressed by me to you on 25th May, containing a communication to your late Ministers, which was subsequently approved of by the Secretary of State for the Colonies. But I can assure Ministers that Her Majesty's Government are entirely alive to the situation, and will exhaust every peaceable effort to bring about a satisfactory settlement.

Her Majesty's Government will endeavour to keep Ministers informed beforehand of any serious developments. They would welcome the co-operation of the Government of Natal in inducing the Government of the South African Republic to take the measures urged upon it by Her Majesty's Government to relieve the position of the Uitlanders, but in any case they fully appreciate the loyal and consistent attitude of the Government of Natal.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

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* Nos. 8 and 9.

† No. 4.

No. 12.

Mr. CHAMBERLAIN to Governor Sir W. F. HELY-HUTCHINSON.

(Sent 6.15 p.m., 3rd August, 1899.)

Telegram.

3rd August. No. 1. Your telegram of 25th July, No. 1,* and your Ministers' minute. Her Majesty's Government have decided to reinforce the troops in Natal and arrangements to send at least 2,000 additional men are in progress. Propriety of moving troops nearer to frontier, so as to watch Laing's Nek, is being considered by Her Majesty's Government. I have telegraphed the above to High Commissioner also.

If it is desired to garrison Laing's Nek, would Colonial troops be sent with British? If so, how many and on what conditions?

Your Ministers should be asked to treat the whole matter in the strictest confidence.

No. 13.

Governor Sir W. F. HELY-HUTCHINSON to Mr. CHAMBERLAIN.

(Received 8 a.m., August 7, 1899.)

Telegram.

(Extract.)

6th August. I have communicated to Ministers substance of your telegram of the 3rd† and expect their reply on the 7th. Prime Minister states meanwhile that it is not proposed to call out Volunteers until war is declared or there is evident intention to attack Colony. It is opinion of Ministers that to call them out would be regarded by Transvaal as equivalent to a declaration of war and would provoke an attack.

No. 14.

Mr. CHAMBERLAIN to Governor Sir W. F. HELY-HUTCHINSON.

(Sent 3.45 p.m., August 7, 1899.)

Telegram.

(Extract.)

7th August. Your telegram of 6th August.‡ Minute of your Ministers forwarded to me in your telegram of 25th July, No. 1,* asked that Her Majesty's Government should keep their promise that in case of possibility of war they would protect whole Colony. We cannot of course say in present circumstances that there is no possibility of war, and therefore we have agreed to send reinforcements.

No. 15.

Governor Sir W. F. HELY-HUTCHINSON to Mr. CHAMBERLAIN.

(Received 8 a.m., 9th August, 1899.)

Telegram.

8th August. No 3. Ministers have addressed the following to me in reply to my minute communicating substance of your telegram of 3rd August† :—

> Ministers have the honour to acknowledge the receipt of Your Excellency's minute of the 5th instant, informing them that Her Majesty's Government have decided to reinforce the troops in Natal by at least 2,000 men, and stating that the Secretary of State wishes to be informed whether the Colonial troops would be sent with the British if it is desired to garrison Laing's Nek.

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* No. 8. † No. 12. ‡ No. 13.

Ministers beg that their cordial thanks may be tendered to Her Majesty's Government for the decision to reinforce the troops in this Colony —a measure which, as Ministers previously pointed out, appears to be necessary for the protection of Natal in the event of war.

In their minute of the 17th June, Ministers stated, *inter alia*, that should war unfortunately break out, "this Government, would, as a matter of course, give its loyal and active support to Her Majesty's Government," and that assurance they now renew.

Ministers did not contemplate that the Colonial forces would be called out prior to the outbreak of hostilities; and they would strongly deprecate the adoption of such a course, because they feel sure that it would be regarded as practically equivalent to a declaration of war, which Ministers are aware Her Majesty's Government are most anxious to avoid until all peaceful means of obtaining a real and permanent settlement have been exhausted. In saying this, Ministers do not wish it to be understood that they in any way shrink from the responsibility which devolves upon the Local Government for taking its share in the defence of the Colony, but they merely desire to emphasize their reasons for thinking that, on political grounds, the local forces ought not to be called out until such a course is absolutely necessary.

With regard to the number of Colonial troops that will be available in the event of hostilities, Ministers understand that full particulars have been given to the General Officer Commanding in Natal, by the Commandant of Volunteers, and that the conditions and manner of their co-operation with Her Majesty's troops are in course of arrangement between those two officers.

The Secretary of State may rest assured that Ministers will treat in the strictest confidence the subject of His Excellency's minute under reply.

No. 16.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 8 a.m., 9th August, 1899.)

TELEGRAM.

8th August. No. 1.

My telegram of to-day, No. 3.*

I am desired by Prime Minister to say that, although he cannot say that at this moment need exists for calling out the Volunteers, such a need may obviously arise at any moment. It may take weeks for troops to arrive, while Volunteers can be called out in a day. He adds that Ministers are very grateful for reinforcements; and that, while they hold the opinion expressed in their Minute that calling out of Volunteers prior to outbreak of hostilities is strongly to be deprecated for the reason there stated, yet, in case of emergency, Volunteers would at once be called out to co-operate with Her Majesty's troops for the defence of the Colony, even before the arrival of the promised reinforcements if necessary.

No. 17.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON.

(Sent 1 p.m., 9th August, 1899.)

TELEGRAM.

9th August. No. 1. Your telegrams Nos. 1 and 3 of 8th August.† The assurances of your Ministers are satisfactory. I announced the despatch of reinforcements in the House of Commons to-day.

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* No. 15. † Nos. 16 and 15.

No. 18.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received August 11, 1899.)

(Extract.)

Government House, Pietermaritzburg, Natal, July 21, 1899.

With reference to my two telegrams of the 16th instant, and to your reply of the 19th instant,* I transmit copies of correspondence which has passed between Ministers and myself, and of a correspondence with General Symons on the subject of the defence of Natal.

I also forward a copy of a Minute containing a message from the High Commissioner on the subject of pending negotiations with the Transvaal, which I transmitted to Ministers.

I am sending a copy of this despatch to Sir A. Milner.

Enclosure 1 in No. 18.

SCHEDULE.

1. Ministers to Governor. Minute. July 13, 1899.
2. Governor to Ministers. Minute. July 14, 1899.
3. Governor to Colonel Hime. July 16, 1899.

MINISTERS to GOVERNOR.

(Minute. No. 7, 1899.)

Prime Minister's Office, Pietermaritzburg, Natal, July 13, 1899.

Ministers respectfully request that they may be confidentially informed what provision has been made by the military authorities for the defence of this Colony in the event of a sudden or unexpected, and possibly unauthorized, attack upon the Colony from the South African Republic or Orange Free State.

A. H. HIME,
Prime Minister.

GOVERNOR to MINISTERS.

Government House, July 14, 1899.

The Governor desires to acknowledge the receipt of Ministers' Minute of 13th instant, No. 7, and to inform Ministers that he has addressed a formal enquiry to the Major-General, who is absent on duty in the Klip River and Newcastle districts, on the subject.

Meanwhile, the Governor is in a position to inform Ministers that, according to verbal information at present in his possession, it would not be possible, with the present garrison and the volunteers, to defend the northern portion of the Colony effectually beyond Hattingh Spruit, and that in order to provide for the effectual defence of the whole of the northern districts of the Colony a considerable increase of the garrison would be necessary.

WALTER HELY-HUTCHINSON.

GOVERNOR to Colonel HIME.

DEAR COLONEL HIME, Government House, Natal, July 16, 1899.

WITH reference to Ministers' Minute of the 13th instant, and to my reply of the 14th, I learn that General Symons does not feel justified, without instructions, in communicating the Scheme of Defence officially to me. I am telegraphing on the subject, and will inform you further in due course.

Yours, &c.,
WALTER HELY-HUTCHINSON.

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* Nos. 5, 6 and 7.

Enclosure 2 in No. 18.

SCHEDULE.

1.	Governor to Major-General Sir W. Penn Symons.	July 11, 1899.
2.	Governor to Major-General Sir W. Penn Symons.	Telegram, July 14, 1899.
3.	Major-General Sir W. Penn Symons to Governor.	July 14, 1899.
4.	Major-General Sir W. Penn Symons to Governor.	July 14, 1899.
5.	Governor to Major-General Sir W. Penn Symons.	July 16, 1899.
6.	Major-General Sir W. Penn Symons to Governor.	July 16, 1899.
7.	Major-General Sir W. Penn Symons to Governor.	July 17, 1899.

GOVERNOR to OFFICER COMMANDING THE TROOPS, Natal.

SIR, Government House, Pietermaritzburg, Natal, July 11, 1899.

THE Prime Minister has expressed to me great anxiety about the defence of the northern portion of Natal, and has asked me to ascertain from you whether it will be possible, with the means at your command, to place that portion of the Colony in a state of defence against any sudden attack which might be made from the Transvaal or Orange Free State, or both.

2. In the event of your answer being in the negative, I beg to ask you what portion of the Colony it would be necessary to leave undefended, and what additions to the troops under your command you would consider necessary in order to provide for the adequate defence of the whole of the northern portion of the Colony.

I have, &c.,
WALTER HELY-HUTCHINSON.

Major-General Sir W. Penn Symons, K.C.B.,
&c., &c., &c.

GOVERNOR to Major-General SYMONS.

TELEGRAM.

July 14, 1899. Following received from Ministers:—

Begins: Ministers respectfully request that they may be confidentially informed what provision has been made by the military authorities for the defence of this Colony in the event of a sudden or unexpected, and possibly unauthorized, attack upon the Colony from the South African Republic or Orange Free State. *Ends.*

Please let me have a reply at early convenience.

OFFICER COMMANDING TROOPS, Natal, to GOVERNOR.

YOUR EXCELLENCY, Ladysmith, July 14, 1899.

I HAVE the honour to acknowledge the receipt this evening of your letter, dated Pietermaritzburg, the 11th instant, regarding the defence of the northern portion of Natal and the strength of troops necessary for this purpose.

2. I regret that I am unable, in my subordinate position, to give you my own opinion, but, if you would desire me to do so, I shall have much pleasure in forwarding your letter to the Lieutenant-General Commanding South Africa for any action that he may deem fit to take.

3. In connection with this subject, I beg also to refer you to my reply, herewith enclosed, to your telegram of this date.

I have, &c.,
W. PENN SYMONS, Major-General,
Commanding Natal District.

To His Excellency the Governor of Natal.

OFFICER COMMANDING TROOPS, Natal, to GOVERNOR.

YOUR EXCELLENCY, Ladysmith, July 14, 1899.

IN reply to your confidential telegram of this date, I have the honour to request that you will kindly inform Ministers that their request has been telegraphed to the Lieutenant-General Commanding, South Africa, to whom I have lately submitted, at his request, a detailed scheme for the defence of Natal.

I have, &c.,
W. PENN SYMONS, Major-General,
Commanding Natal District.

To His Excellency the Governor of Natal.

GOVERNOR to OFFICER COMMANDING TROOPS, Natal.

SIR, Government House, Pietermaritzburg, Natal, July 16, 1899.

IN reply to your letter of the 14th instant, I desire to confirm the verbal request which I made to you this morning that you will forward a copy of my letter of the 11th instant to the General Officer Commanding, South Africa.

2. In connection with this subject I desire to state that I think it advisable that you should be authorized to keep me duly informed of the general nature of the arrangements which may be made, with a view to the possibility of the Colony becoming the scene of active military operations in the event of a war with the Dutch Republics. I understand that you have not received any such instructions, but I need scarcely point out to you how necessary it is that the Governor should be officially advised of the general nature of the arrangements made for defence. In this instance the delay in affording the information for which I asked on the 11th instant causes grave inconvenience.

3. I shall be glad if you would communicate a copy of this letter to the General Officer Commanding, South Africa.

I have, &c.,
WALTER HELY-HUTCHINSON.

The Officer Commanding Troops, Natal.

OFFICER COMMANDING TROOPS, Natal, to GOVERNOR.

YOUR EXCELLENCY, Headquarters, Maritzburg, Natal, July 16, 1899.

I HAVE the honour to enclose, for Your Excellency's information, a copy of a telegram received from the Chief Staff Officer, South Africa, at Cape Town, in reply to a telegram from me to him respecting your telegram of the 14th instant on the subject of the defence of Natal.

I have, &c.,
W. PENN SYMONS, Major-General,
Commanding Natal District.

His Excellency the Honourable
Sir Walter Hely-Hutchinson, G.C.M.G.,
Governor of Natal.

CHIEF STAFF OFFICER, Cape Town, to GENERAL OFFICER COMMANDING, Natal.

TELEGRAM.

July 15, 1899. Please inform Governor that scheme has been prepared and approved for defence of Colony, but General Officer Commanding cannot make it known without order from Secretary of State.

OFFICER COMMANDING TROOPS, Natal, to GOVERNOR.

Headquarter Office, Natal District, Maritzburg, July 17, 1899.

YOUR EXCELLENCY,

IN reply to Your Excellency's letter of the 16th instant, I have the honour to state that I yesterday forwarded a copy of your letter, dated the 11th instant, to the General Officer Commanding, South Africa, and I have this day communicated to him a copy of your letter of the 16th instant.

I have, &c.,
W. PENN SYMONS, Major-General,
Commanding Natal District.

To His Excellency the Honourable
Sir W. F. Hely-Hutchinson, G.C.M.G.,
&c., &c., &c.

Enclosure 3 in No. 18.

GOVERNOR to MINISTERS.

(Minute.)

The Prime Minister having communicated to the Governor the desire of Ministers to receive authentic information with regard to the reported despatch of Special Service Officers and of additional troops to South Africa, and for information as to the new franchise proposals of the Government of the South African Republic, the Governor has communicated on these subjects with the High Commissioner, who has transmitted to him the following message, for the information of Ministers:—

"The despatch of Special Service Officers and of the small additional number of Engineers and Artillery, also the purchase of transport was long since decided on, and implies no change whatsoever in the situation. As explained by Mr. Balfour in the House of Commons, the object is to complete the existing garrison, both as regards numbers and as regards power of mobilization. That garrison, as Ministers are aware, is purely defensive. A much larger force would be required for any aggressive action, and unless such a force is ordered out, of which there is at present no indication whatsoever, the situation cannot be said to have undergone a material change.

"As regards the new franchise proposals of the Government of the South African Republic, the Franchise Bill has been published in the newspapers. I have not yet received a copy, but am in active communication with the Government of the South African Republic to obtain explanations on doubtful points, and also to learn their intentions as to new seats, and as to the method of Presidential election. As soon as these are known I will send you a confidential despatch for the information of Ministers."

WALTER HELY-HUTCHINSON.

Government House, July 15, 1899.

No. 19.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 10.25 a.m., August 17, 1899.)

TELEGRAM.

17th August. The Natal Government is placing at the disposition of the General Officer Commanding, Natal, in addition to the Volunteers, such Mounted Police as can be spared from police duty. A corps of 100 trained men at least, with officers, fully equipped and provided with the necessary transport and one Maxim, can certainly be furnished in this way. Arrangements are also being considered for supplying horses and equipment free of charge to applicants for enlistment in the Volunteers who have not the means to provide horses and equipment and who ride and shoot well. If this takes effect it will result in the addition to the Mounted Volunteers of about 100 efficient men.

No. 20.

Governor Sir W. F. HELY-HUTCHINSON to Mr. CHAMBERLAIN.

(Received August 18, 1899.)

Sir, Government House, Pietermaritzburg, Natal, July 29, 1899.

I forward a copy of a Minute from Ministers, asking that, if Her Majesty's Government have any reason to fear that the present negotiations with the Transvaal may not result in a peaceful settlement, such steps may be at once taken as may be necessary for the effectual defence of the Colony.

2. I transmit a copy of the correspondence with Ministers which led to the transmission of the Minute. My Minute of the 14th instant was based on a conversation with General Symons; my Minute of the 24th instant on the outline of the defence scheme, which General Symons communicated to me confidentially on the 21st instant.

3. A copy of the High Commissioner's Minute of the 26th June, referred to in Ministers' Minute of the 25th instant, was forwarded to you in my Despatch of the 5th July.*

4. In connection with this subject, I forward an extract from a letter from General Symons, stating his opinion as to what reinforcements are necessary to protect the Colony from raids and invasion.

5. I telegraphed Ministers' Minute to you on the 25th instant,† and have received and communicated to them your reply of the 27th instant,‡ stating that the matter is receiving consideration.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure 1 in No. 20.

Ministers to Governor.

Minute.

Prime Minister's Office, Pietermaritzburg, Natal,
July 25, 1899.

In their Minute to your Excellency of the 17th ultimo, Ministers pointed out the danger to which this Colony would be exposed should hostilities unfortunately break out between the Imperial Government and the South African Republic.

The High Commissioner, in his Minute of the 26th ultimo, referred to a telegram, dated the 25th May, which he had sent in reply to a previous Minute from Ministers, and in which his Excellency stated that it was out of the question that Her Majesty's Government should tolerate any invasion of Natal—an event which his Excellency thought was highly improbable—but that if it did occur Natal would be defended with the whole force of the Empire and redress would be exacted for any injury done to her.

Ministers now learn with extreme surprise, from Your Excellency's Minute of the 24th instant, that should any circumstances arise which might lead to the sudden outbreak of hostilities with the South African Republic, it would not be possible for the military authorities in Natal, with the garrison and Colonial forces now available, to effectually defend the northern portion of the Colony.

Ministers cannot regard the defence of the Dundee and Navigation Collieries and other collieries in the vicinity, and the holding of the line of railway as far as the Ingagane Bridge, as being a fulfilment of the promise that Natal would be defended with the whole force of the Empire.

Ministers therefore ask that, if Her Majesty's Government have any reason to fear that the present negotiations may not result in a peaceful settlement, such steps may be at once taken as may be necessary for the effectual defence of the whole of the Colony,

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*No. 11. †No. 8. ‡No. 10.

and to this end Ministers ask your Excellency to be good enough to telegraph the contents of this Minute to Her Majesty's Government and to His Excellency the High Commissioner.

A. H. HIME,
Prime Minister.

Enclosure 2 in No. 20.

MINISTERS to GOVERNOR.

MINUTE No. 7, 1899.

Prime Minister's Office, Pietermaritzburg, Natal,
July 13, 1899.

MINISTERS respectfully request that they may be confidentially informed what provision has been made by the military authorities for the defence of this Colony in the event of a sudden or unexpected, and possibly unauthorised, attack upon the Colony from the South African Republic or Orange Free State.

A. H. HIME,
Prime Minister.

Enclosure 3 in No. 20.

GOVERNOR to MINISTERS.

THE Governor desires to acknowledge the receipt of Ministers' Minute of the 13th instant, No. 7, and to inform Ministers that he has addressed a general enquiry to the Major-General, who is absent on duty in the Klip River and Newcastle districts, on the subject.

Meanwhile, the Governor is in a position to inform Ministers that, according to verbal information at present in his possession, it would not be possible, with the present garrison and the volunteers, to defend the northern portion of the Colony effectually beyond Hattingh Spruit, and that in order to provide for the effectual defence of the whole of the northern districts of the Colony, a considerable increase of the garrison would be necessary.

WALTER HELY-HUTCHINSON.

Government House, July 14, 1899.

Enclosure 4 in No. 20.

GOVERNOR to MINISTERS.

MINUTE.

WITH reference to Ministers' Minute of the 13th instant, and to his reply of the 14th instant, the Governor desires to state, for the information of Ministers, that he is now officially and confidentially informed by the Officer Commanding the troops in Natal that provision has been made in the Scheme of Defence for the occupation of Glencoe which will enable the Dundee and Natal Navigation Collieries, and other collieries in the vicinity, to be defended, and for holding the line of railway as far as the Ingagane Bridge.

To render the Colony safe from raids, and to enable Newcastle and Laing's Nek to be held, a considerable addition to the present garrison would be necessary.

WALTER HELY-HUTCHINSON.

Government House, July 24, 1899.

Enclosure 5 in No. 20.

OFFICER COMMANDING TROOPS, Natal, to GOVERNOR.

(Extract.)

Head-quarter Office, Maritzburg,
YOUR EXCELLENCY, July 21, 1899.

* * * * * *

6. ALTHOUGH I have not been called upon by superior military authority to give any report or opinion regarding the strength of troops that I deem necessary to protect this Colony from raids and invasion, I think it well to inform you that I consider—

1 cavalry regiment,
1 infantry battalion,
250 mounted infantry,
Total, 1,600 men,

in addition to our present force, necessary to render Natal safe from raids, and to enable us to hold Newcastle.

7. To hold Laing's Nek, and to make the whole Colony safe from invasion, I consider that we should require, in addition to our present strength of troops—

2 cavalry regiments,
1 battery horse artillery,
3 field batteries,
4 infantry battalions,
500 mounted infantry,
A total of about 5,600 men.

I have, &c.,
W. P. SYMONS, Major-General,
Commanding Natal District.

His Excellency the Honourable
Sir W. F. Hely-Hutchinson, G.C.M.G.,
&c., &c., &c.

No. 21.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received September 1, 1899.)

Government House, Pietermaritzburg, Natal,
SIR, August 12, 1899.

WITH reference to the accompanying Minute from Ministers, a copy of which I telegraphed to you on the evening of the 8th instant,* and to the decision of Her Majesty's Government to reinforce the garrison of Natal, I have the honour to report that the local press unanimously commends the Natal Government for asking for reinforcements, and expresses satisfaction at the decision of Her Majesty's Government.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 21.

MINISTERS to GOVERNOR.

(Minute No. 11, 1899.)

Prime Minister's Office, Pietermaritzburg, August 8, 1899.

MINISTERS have the honour to acknowledge the receipt of your Excellency's Minute of the 5th instant, informing them that Her Majesty's Government have decided to reinforce the troops in Natal by at least 2,000 men, and stating that the Secretary of State wishes to be informed whether the Colonial Troops would be sent with the British if it is desired to garrison Laing's Nek.

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* No. 15.

Ministers beg that their cordial thanks may be tendered to Her Majesty's Government for the decision to reinforce the troops in this Colony—a measure which, as Ministers previously pointed out, appears to be necessary for the protection of Natal in the event of war.

In their Minute of the 17th June Ministers stated, *inter alia*, that should war unfortunately break out, "this Government would, as a matter of course, give its loyal and active support to Her Majesty's Government," and that assurance they now renew.

Ministers did not contemplate that the Colonial forces would be called out prior to the outbreak of hostilities: and they would strongly deprecate the adoption of such a course, because they feel sure that it would be regarded as practically equivalent to a declaration of war, which Ministers are aware Her Majesty's Government are most anxious to avoid until all peaceful means of obtaining a real and permanent settlement have been exhausted. In saying this, Ministers do not wish it to be understood that they in any way shrink from the responsibility which devolves upon the Local Government for taking its share in the defence of the Colony, but they merely desire to emphasize their reasons for thinking that, on political grounds, the local forces ought not to be called out until such a course is absolutely necessary.

With regard to the number of Colonial troops that will be available in the event of hostilities, Ministers understand that full particulars have been given to the General Officer Commanding in Natal, by the Commandant of Volunteers, and that the conditions and manner of their co-operation with Her Majesty's troops are in course of arrangement between those two officers.

The Secretary of State may rest assured that Ministers will treat in the strictest confidence the subject of His Excellency's Minute under reply.

A. H. Hime,
Prime Minister.

No. 22.

Governor Sir W. F. HELY-HUTCHINSON to Mr. CHAMBERLAIN.

(Received 11.45 p.m., 6th September, 1899.)

Telegram.

September 6. By request of the Prime Minister I transmit the following message:

The Prime Minister desires me to urge upon you by the unanimous advice of the Ministers that sufficient troops should be dispatched to Natal immediately to enable the Colony to be placed in a state of defence against an attack from the Transvaal and the Orange Free State. I am informed by the General Officer Commanding, Natal, that he will not have enough troops, even when the Manchester Regiment arrives, to do more than occupy Newcastle and at the same time protect Colony south of it from raids, while Laing's Nek, Ingogo River and Zululand must be left undefended. My Ministers know that every preparation has been made both in the Transvaal and the Orange Free State which would enable an attack to be made on Natal at short notice. My Ministers believe that the Boers have made up their minds that war will take place almost certainly, and their best chance will be, when it seems unavoidable, to deliver a blow before reinforcements have time to arrive. Information has been received that raids in force will be made by way of Middle Drift and Greytown and by way of Bond's Drift and Stangar with a view to striking the railway between Pietermaritzburg and Durban and cutting off communications of troops and supplies. Nearly all the Orange Free State farmers in the Klip River Division who stay in the Colony usually till October at least, have trekked at great loss to themselves; their sheep are lambing on the road, and the lambs die or are destroyed. Two at least of the Entonjanani district farmers have trekked with all their belongings into the Transvaal, in the first case attempting to take as hostages the children of the natives on the farm. Reliable reports have been received of attempts to tamper with loyal natives and to set tribe against tribe in order to create confusion and detail the defensive forces of the Colony. Both food and warlike stores in large quantities have been accumulated at Volksrust, Vryheid and Standerton. Persons who are believed to be spies have been seen examining the bridges

on the Natal Railway and it is known that there are spies in all the principal centres of the Colony. In the opinion of Ministers, such a catastrophe as the seizure of Laing's Nek and the destruction of the northern portion of the railway, or a successful raid or invasion such as they have reason to believe is contemplated, would produce a most demoralizing effect on the natives and on the loyal Europeans in the Colony and would afford great encouragement to the Boers and to their sympathisers in the Colonies, who, although armed and prepared, will probably keep quiet unless they receive some encouragement of the sort. They concur in the policy of Her Majesty's Government of exhausting all peaceful means to obtain redress of the grievances of the Uitlanders and authoritatively assert the supremacy of Great Britain before resorting to war, but they state that this is a question of defensive precaution not of making war. They are ready, if necessary, to call out volunteers, though the Government of the South African Republic would regard that as a declaration of war, and it is therefore to be deprecated; and they are arranging to increase the Zulu native police to 400 men so as to provide for the defence of magistracies, and form centres to which, in case of inroads, natives can rally. Ministers have taken steps which have resulted in adding over 100 efficient men to the volunteers, and are ready to lend arms to any regular corps of 500 men if formed by Her Majesty's Government. They have telegraphed for 2,000 more rifles and 250,000 rounds of ammunition; and in every way in their power are encouraging and assisting the formation and increase of Rifle Associations throughout Natal to assist in local defence. They claim that they have not shrunk from doing their share; and they respectfully, but strongly and unanimously, urge on Her Majesty's Government to dispatch at once sufficient troops to enable Colony to be defended adequately and express their view that it would be very desirable that, until reinforcements have arrived, no steps should be taken likely to precipitate hostilities.

No. 23.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON.

(Sent 5.52 p.m., 7th September, 1899.)

TELEGRAM.

7th September. Your telegram of 6th September* has been received and is engaging anxious attention of Her Majesty's Government.

No. 24.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON.

(Sent 7.45 p.m., 9th September, 1899.)

TELEGRAM.

9th September. My telegram of 7th September.† Orders were given last night for troops from India to leave at once for Natal, 5,700 in all: they are expected to arrive in five weeks' time. From England go out two more battalions and three batteries of artillery with horses, also for Natal, which they will reach in about six weeks.

No. 25.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 12.56 p.m., 13th September, 1899.)

TELEGRAM.

13th September. No. 2. Referring to your telegram of the 9th September,‡ I am asked by Ministers to convey to you their cordial thanks for this prompt compliance with their request that the military forces in this Colony should be increased.

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* No. 22. † No. 23. ‡ No. 24.

No. 26.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 3.5 p.m., 13th September, 1899.)

TELEGRAM.

(Extract.)

13th September. I am informed by General Officer Commanding, Natal, that though there is plenty of water on all sides of Laing's Nek, there is none within the position which would have to be occupied by an extended camp. Therefore the garrison would have to fight for its water every day, if communications were cut off. If it were not for this, two battalions and two field batteries, which is the smallest force General Officer Commanding, Natal, would recommend, could hold the position irrespective of communications, so long as provisions lasted. If Laing's Nek were occupied by a force of that strength, it would tax the energies and resources of the whole of the Imperial troops remaining, including the Manchester Regiment, and of the volunteers, to keep communications open and to protect Ladysmith and the railway from the south of Laing's Nek to Estcourt. Without leaving communications exposed we could not then oppose raids into Natal, *e.g.*, *via* Oliviershoek to Nottingham Road and Pietermaritzburg, or *via* Middledrift to Greytown. The General Officer Commanding, Natal, expresses his opinion that it would be injudicious to lock up any considerable body of our troops, solely for defensive purposes. I find that view of General Officer Commanding, Natal, as to occupation of Laing's Nek is concurred in by General Officer Commanding, South Africa. To advance beyond Ladysmith is not considered dangerous. The Colony could be occupied now with safety as far as Glencoe Junction, and as far as Newcastle, after the Manchester Regiment arrives ; and could be protected south of these places. Very likely it may be necessary for me to urge this step soon, in order to make sure of the coal supply. If it be taken, however, there is always the probability of the Boers then occupying Laing's Nek. The General Officer Commanding, Natal, concurs in the foregoing, which I have read over to him.

No. 27.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 3.30 p.m., September 13, 1899.)

TELEGRAM.

13th September. No. 3. Referring to my telegram of 13th September,* I have telegraphed to High Commissioner to-day as follows :—

Begins :—I am of opinion that, in the event of a negative or inconclusive reply or undue delay in reply asked for from Pretoria, troops should then be advanced at once to Glencoe Junction to secure coal supply, or, if the Manchester Regiment has then arrived, to Newcastle. Prime Minister concurs in this. If you have no objection, show my telegrams of to-day Nos. 1 and 2 to General Officer Commanding, South Africa, so that he may be ready with immediate decision, if General Officer Commanding, Natal, applies for permission to move up troops. I have sent copy of this to Secretary of State. *Ends.*

No. 28.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 1.30 p.m., 25th September, 1899.)

TELEGRAM.

(Extract.)

25th September. No. 1. My telegram No. 3 of 13th September.† We are occupying Glencoe Junction and sending reinforcements to Ladysmith from Pietermaritzburg. The movement will be completed by to-morrow evening.

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* No. 26. † No. 27.

No. 29.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 12 Midnight, 28th September, 1899.)

TELEGRAM.

28th September. No. 5. Authentic reports say that commandeering proceeding in Transvaal Republic, 2,000 armed Boers will assemble at Wakkerstroom Nek, 10 miles from Volksrust, and 1,500 at Sandspruit, 12 miles from Volksrust, to-night. It is rumoured that commando from Free State moving northwards along border. This points to Boer occupation of Laing's Nek, but am not yet sure this is intended immediately. Natal Volunteer Corps called out.

No. 30.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 10.5 p.m., 4th October, 1899.)

TELEGRAM.

(Extract.)

4th October. The 42 Battery Artillery *ex* "Secundra" is on its way to Ladysmith, the 21st Battery already there. The "Sutlej" with Devonshire Regiment signalled.

No. 31.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 4 p.m., 5th October, 1899.)

TELEGRAM.

5th October. No. 1. "Purnea" with 7 companies 2nd Battalion King's Royal Rifle Corps, and "Borldana" with 53rd Field Battery arrived at Durban this morning.

No. 32.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 4.5 p.m., 5th October, 1899.)

TELEGRAM.

5th October. No. 3. "Pandua" with squadron of 19th Hussars for Cape Colony, and "City of London" with remainder of Devonshire Regiment and General Hunter arrived.

No. 33.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 3 p.m., 9th October, 1899.)

TELEGRAM.

9th October. No. 1. "Vadala" with squadron of 19th Hussars and "Ellora" with 18th and 24th British field hospital arrived 7th October. "Palitana" with 1st Gordon Highlanders and "Hurana" with one company 1st Gloucestershire Regiment and one company 2nd King's Royal Rifle Corps arrived 8th October. "Wardha" with 9th Lancers, and "Birsa," with 1st Gordon Highlanders, arrived 9th October.

No. 34.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received October 9, 1899)

Government House, Pietermaritzburg, Natal,
September 14, 1899.

SIR,

WITH reference to my telegram No. 2 of 13th instant,* I have the honour to transmit a copy of a Minute from the Prime Minister expressing the thanks of this Government for the prompt compliance with their request for additional troops.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 34.

MINISTERS TO GOVERNOR.

Prime Minister's Office, Natal.
Pietermaritzburg, 11th September, 1899.

MINUTE No. 13, 1899.

Ministers have the honour to acknowledge the receipt of Your Excellency's Minute of this date, informing them of the receipt by Your Excellency of a telegram from the Secretary of State in which Mr. Chamberlain states that orders were given on the 8th instant for the immediate despatch of certain troops to Natal from India and from England.

Ministers beg that Your Excellency will convey to Mr. Chamberlain their cordial thanks for this prompt compliance with the request of this Government for the increase of the military forces in this Colony.

A. H. HIME,
Prime Minister.

No. 35.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 10.25 p.m., October 12, 1899.)

TELEGRAM.

12th October. No. 5. Two squadrons of 5th Dragoon Guards *ex* "Lindula" arrived Ladysmith to-day: all Indian troops except seven Companies of Gloucesters, remainder of 5th Dragoon Guards, Ordnance Field Park, one Field Hospital, and details have now arrived. Gloucesters due 15th October. "Avoca" arrived at Durban this morning with Royal Irish Fusiliers who are now entrained.

No. 36.

GOVERNOR SIR W. F. HELY-HUTCHINSON TO MR. CHAMBERLAIN.

(Received October 23, 1899.)

Government House, Pietermaritzburg, Natal, September 22, 1899.

SIR,

REFERRING to my telegram of the 13th September, No. 3,† I transmit a copy of a despatch which I have addressed to the High Commissioner giving my reasons for having postponed requesting the General Officer Commanding, Natal, to advance the troops to Glencoe and Newcastle.

I have, &c.,
WALTER HELY-HUTCHINSON.

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* No. 25. † No. 27.

Enclosure in No. 36.

GOVERNOR to HIGH COMMISSIONER.

Government House, Pietermaritzburg, Natal,
September 22, 1899.

SIR,

I HAVE the honour to forward a series of questions which I addressed yesterday to the General Officer Commanding, Natal, and his replies.

2. The Prime Minister informed me on the 19th instant, that Ministers did not wish any forward movement of troops to be made, unless an attack were imminently threatened, until sufficient troops had arrived in Natal to enable Laing's Nek to be occupied and the whole Colony to be defended. Ministers, he added, had arrived at the conclusion that it was extremely unlikely that the Boers would commence hostilities; and he handed to me the accompanying statements which had been made to him that day by a Natal farmer, whose loyalty he believed to be unimpeachable, who has had special means of ascertaining the real intentions of the Boers. Colonel Hime further stated that Ministers were, in present circumstances, averse from calling out the Volunteers in order to occupy Newcastle; and did not wish to call them out until war was imminent, or at least until we are in a position to occupy Laing's Nek.

3. I had previously informed the Prime Minister, and then repeated to him, that although I was glad to know the views of Ministers, I must act in this matter on my own responsibility, and that it was for me to decide whether I should ask the General to make a forward move or not.

4. I may add that I have no doubt that whatever the views of Ministers may be, the Prime Minister will advise me to call out the volunteers whenever I inform him that in Imperial interests it is necessary to do so.

5. From the Natal point of view, the ideal thing would be to make sure of the coal supply, without provoking or allowing a raid by the Boers on Newcastle or Laing's Nek.

6. The Colony can be occupied as far as Newcastle by the troops now in Natal, and the movement will take twenty-four hours.

7. I am assured and believe, that if we occupy Glencoe the Boers will probably, and if Newcastle, certainly, occupy Laing's Nek.

8. My information, up to the time of writing this despatch, leads me to believe that the Boers will not, as matters stand at present, attack Natal unless the troops be moved to Glencoe or Newcastle.

9. By the 14th October, or two or three days later, we expect to have troops enough in Natal to occupy Laing's Nek.

10. To occupy Glencoe and Newcastle would relieve anxiety about the coal supply, and such a move is much desired by the loyal inhabitants of the Dundee and Newcastle districts.

11. Ministers, however, who are responsible to the Legislature of Natal, are against such action being taken at present; and though I am prepared if necessary, to take my own line I do not consider that I should be justfied in requesting the General to make the advance; being, although not free from anxiety on the subject, tolerably sure that the Boers will not attack at present.

12. The decision at which I have arrived is, of course, provisional and liable to modification on receipt of further information as to the intentions of the Boers. Much will depend on the terms of the reply of Her Majesty's Government to Mr. Kruger's latest communication. I have asked your Excellency to give me the earliest information of this.

13. I have dealt with this question solely from a Natal point of view. There may of course be general political or strategical considerations which point to the necessity of an immediate advance, even at the cost of risking occupation of Laing's Nek by the Boers. On this point I have no information at present.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.
Cape Town.

QUESTIONS for the General Officer Commanding, Natal.

Q. 1. SUPPOSING sufficient troops to be available, how long would it take, from order to commence, to occupy

(*a.*) Glencoe,
(*b.*) Newcastle,
(*c.*) Laing's Nek,

and arrange to guard the Colony to the South ?

A. 1. (*a.*) Two days without railway, one day with railway, from Ladysmith.
(*b.*) Four days without railway, one day with railway, from Ladysmith.
(*c.*) Six days without railway.
One day with railway for small force to hold entrenched position.
Three more days with railway to make communication secure.

Q. 2. What troops do you require, in addition to those now in Natal, to occupy

(*a.*) Newcastle without calling out Volunteers ?
(*b.*) Laing's Nek, without calling out Volunteers ?
(*c.*) Laing's Nek, calling out Volunteers

and guard the Colony south of Newcastle or Laing's Nek, as the case may be ?

A. 2. (*a.*) None.
(*b.*) 2 cavalry regiments.
4 batteries.
2 infantry battalions.
250 mounted infantry.
(*c.*) As in (*b*), except 1 cavalry regiment, 1 battalion infantry, and the mounted infantry.

Q. 3. By what date will these troops be here and ready for duty, according to official information received ?

A. 3. I cannot say. Our latest information is that the whole of the Indian contingent troops are to be here by the 14th October.

Q. 4. By what date will the Manchester Regiment be ready for duty.

A. 4. Ready now.

Q. 5. Suppose the report of the placing of guns on Pongwana Hill be correct, will that measure affect or hamper your plans for a rapid advance to occupy Laing's Nek when the time comes ?

A. 5. No, I think not. The summit of Pongwana Hill is $7\frac{1}{2}$ miles from Ingogo Railway station, as the crow flies, and 3 miles, or 5,280 yards, from nearest point of railway. I do not know, however, exactly, yet, which hill, or point of hill, is meant as proposed to be occupied by the Boer guns. I am finding out.

W. H.-H.

September 21, 1899.

W. P. S.

September 21, 1899.

NOTES.

A reliable authority informs me as follows :—

1. If the troops occupy Newcastle, the Boers will at once occupy Laing's Nek.
2. If the troops advance to Glencoe, the Boers will *probably* occupy Laing's Nek.
3. If the troops remain at Ladysmith, the Boers will not take the initiative, and will not attack or raid Natal.
4. If the Boers occupy Laing's Nek, and if the troops, in advancing, receive any check there, even though it may be a temporary check only, the Boers will come in behind them, and will raid the Newcastle division, doing as much damage as possible.
5. Every movement of the troops is watched, and is reported at once to the Transvaal authorities, and there are Boer spies in the immediate vicinity of every telegraph station.
6. If and when the troops mean to advance, they should go through to Laing's Nek by night, and telegraph communication should be stopped during the time they are entraining, and also during the time they are on their way to their destination.

7. The Boers have not been commandeered yet, but every man has his horse, his gun, and his bag of biscuits ready. The horses are in good condition.

8. 3,000 Boers have been told off to occupy Laing's Nek.

A. H. HIME.

September 19, 1899.

NOTES.

Ipogwe Hill, in Transvaal, opposite, and about 2½ miles distant from, Ingogo Railway Station.

The Boers have constructed a road to the top of this hill, and have established a heliograph station thereon.

There is now a tent on top, so somebody is constantly there.

The Boers intend to place guns on this hill, which will command the railway from some distance below Ingogo Station right up to Laing's Nek, and will also command both sides of the Nek.

A. H. HIME.

September 19, 1899.

No. 37.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received October 23, 1899.)

Government House, Pietermaritzburg, Natal,
September 29, 1899.

SIR,

ON the evening of the 23rd instant, a few hours after sending off my Despatch of the 22nd instant,* I received from the High Commissioner a telegram informing me of the tenour of the reply of Her Majesty's Government to the Government of the South African Republic.

2. Having considered the matter, and consulted with the General, and with the Prime Minister, I decided on the morning of the 24th that the occupation of Glencoe, for the purpose of making sure of the main source of coal supply, ought to be no longer delayed.

3. I inclose a copy of the formal letter which I addressed to Sir W. Penn Symons on the subject.

4. The necessary authority having been obtained from the General Officer Commanding, South Africa, the movement was commenced during the night of 24th. I reported it to you by telegraph on 25th.

5. The move was smartly executed. The infantry and a squadron of cavalry were at Glencoe by 6 a.m. on 25th; the remainder of the cavalry, the mounted infantry, and the artillery, which went by road from Ladysmith, by the evening of 26th. The King's Royal Rifles and a squadron of the 5th Lancers from Maritzburg were at Ladysmith by 3 a.m. on 26th. The remainder of the 5th Lancers and the mounted infantry of the King's Royal Rifles, who are taking with them from Maritzburg the transport for a regiment and for the three field batteries expected next week from India, are now at Mooi River, and are due at Ladysmith on the 2nd October. An ironclad train has gone forward to Ladysmith, and a second is in readiness, and will be available at six hours' notice.

6. Yesterday we received authentic information that commandeering had commenced in the Transvaal, and that 2,000 Boers would be massed at Wakkerstroom Nek, and 1,500 with some artillery at Sandspruit last night. In consequence of this and of other authentic information pointing at least to an intention on the part of the Boers to occupy Laing's Nek, if not to a combined attack on Natal by the Transvaal and the Orange Free State, Ministers determined last night to call out the volunteers.

7. The Imperial Light Horse is now fully recruited to its strength of 500 men. Large numbers of applications to enlist are still being received. The full complement of horses have been obtained, and the Natal Government has supplied 350 Martini Enfield ·303 rifles. The remaining rifles will be supplied in the course of a few days. The corps is still short of a considerable number of saddles, otherwise the equipment is

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* No. 36.

complete. No recruits have been taken who cannot ride and shoot; and the large number of applications has enabled the officers to weed out at once all weakly or unsatisfactory men.

8. The railway bridges from Colenso to Newcastle are guarded, and the bridges beyond Newcastle are being watched.

9. I enclose a statement showing the present distribution of the Imperial forces in the Colony, and the positions allotted to the volunteers. The bulk of the volunteers will be in their places by Tuesday, the 3rd October.

10. The first transport from India, with the 21st Field Battery Royal Artillery, is expected on Tuesday, the 3rd October, and the last is due on Monday, the 16th October.

11. So far, the Boers have not crossed the border. The general opinion appears to be that they intend to occupy Laing's Nek. I doubt, however, and the General concurs with me, whether they will enter Natal just yet awhile, at all events. Meanwhile, we have received authentic information that an advance party of 150 Boers with field pieces was encamped six miles from Harrismith yesterday, their destination being the Natal border.

12. I inclose copy of telegraphic correspondence with the High Commissioner on the subject of the recent movement of troops. You will see that I suggested the occupation of Newcastle, and why. The Newcastle people have shown steadiness and courage, and are preparing to defend themselves, if attacked. The General has officially expressed his opinion that their conduct is worthy of our admiration, and I have added my tribute. The first thing the General proposes to do, when sufficient troops have arrived, is to occupy Newcastle.

13. There has been considerable strain on the resources of the Railway Department which has hitherto been adequately met. During next week and the week after, when the troops from India will be arriving, the strain will be greater. The General Manager has made arrangements to meet it. After consulting with the General, I have arranged with the Admiral that the troops and stores are to be kept on board the transports, which will be detained till the trains are ready. According to our experience with the Manchester Regiment, an infantry regiment and the whole of its baggage can be landed at Durban and started on its railway journey within three hours; but it will be difficult to deal with more than one regiment at a time, and if many transports arrive in one day, rolling stock may not be immediately available for all.

14. Arrangements have been made for the transmission of the English mails, in future, to and from East London, so as to avoid the risk of sending them through the Orange Free State and Transvaal.

15. Considerable numbers of refugees have come in from Johannesburg. Those who are destitute have been provided for, so far, by local charitable organizations at Durban, Maritzburg, and elsewhere. Should, as is now anticipated, the number of destitute people arriving from the Rand largely increase, private resources will not suffice to provide relief, and other measures will have to be taken.

16. The attitude of the mass of the white population is loyal and confident.

17. Zululand is quiet but considerable anxiety has been caused in the Ingwavuma district by the arrival at Mr. van Oordt's house of ten Boers with riding horses and mules, tents, and campaign equipment, who have been threatening the Chief Sambane that they will be revenged on him for giving over his country to the British Government in 1895. The Natal Government is taking steps which it is believed will suffice to meet the case.

18. As regards the attitude of the Dutch population, I have nothing to add, at present, to the statements in my Despatch of the 15th instant.* A minister of the Dutch Reformed Church yesterday offered a gentleman of my acquaintance, and his wife an asylum in his parsonage, which he said would be respected by the Boers when they captured Maritzburg.

19. The natives in Natal are quiet, but inclined to be nervous. There is no doubt as to their loyalty.

20. I shall send a weekly report of developments.

21. A copy of this Despatch has been sent to the High Commissioner.

I have, &c.
WALTER HELY-HUTCHINSON.

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* No. 25 in [Cd. 43], Jan. 1900.

Enclosure 1 in No. 37.

SIR, Government House, Natal, September 24, 1899.

I HAVE the honour to inform you that in consequence of information I have received, I consider it necessary that steps should immediately be taken to occupy Glencoe and Dundee, for the defence of the coalfields and securing the coal supply.

The troops ought, in my opinion, to move up from Ladysmith to-night.

I am further of opinion that if the number of troops at your disposal is sufficient to do so, and at the same time to secure the Colony south of Newcastle against attack, Newcastle ought also to be occupied.

The Prime Minister informs me that he is ready, if you consider it necessary, to call out the volunteers; but you are aware that, for many reasons, it is not desirable to do so yet awhile.

I have, &c.

WALTER HELY-HUTCHINSON.

Major-General Sir W. Penn Symons, K.C.B.,
Commanding Troops, Natal.

Enclosure 2 in No. 37.

PRESENT DISPOSITION of the TROOPS in NATAL.

At Glencoe.—
18th Hussars.
13th and 67th Field Batteries.
1st Leicester Regiment, with Mounted Infantry Campany.
2nd Royal Dublin Fusiliers, with Mounted Infantry Company.

At Ladysmith.—
1 squadron 5th Lancers.
69th Field Battery.
No. 10 Mountain Battery.
23rd Company Royal Engineers.
1st Liverpool Regiment, with Mounted Infantry Company.
1st King's Royal Rifles, 7 companies.

At Estcourt, on the 30th September, on the march between Maritzburg and Ladysmith.—
2 squadrons 5th Lancers.
Mounted Infantry Company, 3 sections of King's Royal Rifles.

At Maritzburg.—
1st Manchester Regiment.

At Eshowe.—
1 company and 1 section Mounted Infantry of King's Royal Rifles.

POSITIONS allotted to the Volunteers.

At Ladysmith.—
750 Mounted Rifles.
100 Natal Field Artillery and 6 guns.
100 Naval Volunteers for armoured trains.

At Colenso.—
350 Volunteer Rifles.

At Estcourt.—
125 Volunteer Rifles.

Local Volunteers remain at Dundee, Helpmakaar, and Greytown.

Enclosure 3 in No. 37.

GOVERNOR, Natal, to HIGH COMMISSIONER.

TELEGRAM.

(September 24. No. 1.)

REFERRING to your telegram of the 23rd, I have requested the General Officer Commanding, Natal, to occupy Glencoe, and, if possible, Newcastle. He is now doubtful about the latter. He is telegraphing for permission to the General Officer Commanding, South Africa.

Enclosure 4 in No. 37.

HIGH COMMISSIONER to GOVERNOR, Natal.

TELEGRAM.

September 24. The General Officer Commanding, South Africa, has agreed to Dundee, but not Newcastle, and I agree with him. Though I think that the Boers are quite likely to make a move, I do not wish to tempt them, as every day is a day gained. If we were strong enough to occupy Laing's Nek it might be worth risking something to do so, but I should not be inclined to risk much for Newcastle.

Enclosure 5 in No. 37.

GOVERNOR, NATAL, to HIGH COMMISSIONER.

TELEGRAM.

September 25. No. 5. Referring to your telegram of yesterday. The question of occupying Newcastle presents a choice of drawbacks. I will not press it with the present strength of troops. Your reasons are good, but if the Boers were to take Newcastle, they would magnify it into an important victory, and the effect on the Natal Dutch might be serious. The decision, however, can stand over till more troops have arrived.

No. 38.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received November 6, 1899.)

Government House, Pietermaritzburg, Natal,
October 11, 1899.

SIR,

I FORWARD a note of an interview which took place last night between Lieutenant-General Sir George White and myself on the subject of the occupation of Glencoe by Her Majesty's troops.

2. I showed the note to the Prime Minister this morning. Colonel Hime informed me that he entirely agreed with the views I had expressed, and stated that the political effect of a retirement from Glencoe would, in his opinion, be disastrous.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure in No. 38.

NOTE of an INTERVIEW between Lieutenant-General Sir GEORGE WHITE and the GOVERNOR.

October 10, 1899.

A LITTLE before 10 p.m. last night Sir G. White came to see me. He and Sir A. Hunter and Colonel Duff (Assistant Military Secretary) and I had an interview in my room.

Sir G. White expressed his opinion that the troops at Glencoe were, militarily, in a dangerous position; that they could not be reinforced, and that, in his opinion,

speaking from a military point of view, they ought to be withdrawn to Ladysmith. He went at some length into his reasons, which it is unnecessary to set down here. Sir A. Hunter, on being consulted, said he agreed with Sir G. White. Colonel Duff also. Sir G. White said that Sir Penn Symons was, on the contrary, quite confident about the troops at Glencoe, and did not think they ought to be withdrawn. On being asked my opinion, I said that I was unable to pronounce on the military point; that the troops had been sent to Glencoe, after consultation with, and with the full concurrence of my military adviser, Sir Penn Symons, who was of opinion that it was safe to occupy Glencoe even before the Indian contingent had arrived; that my primary object in occupying Glencoe was to make sure of the coal supply. Now that we were there, withdrawal would, in my opinion, involve grave political results. Loyalists would be disgusted and discouraged; the results as regards the Dutch would be grave, many if not most would very likely rise, believing us to be afraid, and the evil might very likely spread to the Dutch in Cape Colony. And the effect on our natives, of whom there are some 750,000 in Natal and Zululand, might be disastrous. They as yet believe in our power—they look to us—but if we withdraw from Glencoe they will look on it in the light of a defeat, and I could not answer for what they, or at all events a large portion of them, might do. Sir A. Hunter, on being again consulted, said that whilst he retained his opinion as to the military situation, it was (Glencoe having been occupied) a case of balancing drawbacks, and advised that, under the circumstances, the troops be retained at Glencoe. Sir G. White decided to adopt this course.

The interview lasted about twenty minutes.

Copy of this handed to Sir G. White, who has read it through, and agrees that it is a substantially correct summary of what passed.

SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

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1899.

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July, 1899.

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Correspondence relating to the Bloemfontein Conference, 1899.

No. 1.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received June 30, 1899.)

Sir, Government House, Cape Town, June 14, 1899.

I have the honour to inform you that, in accordance with the arrangements made through the President of the Orange Free State, I left Cape Town on the morning of the 29th ultimo, for the purpose of conferring with the President of the South African Republic at Bloemfontein.

2. I was accompanied by the Imperial Secretary, by my Military Secretary, my Private Secretary, and Lord Belgrave, A.D.C., and also by Mr. Silberbauer, as interpreter, and a shorthand writer.

3. I arrived the next day at the capital of the Free State, where I was received by His Honour President Steyn, and experienced a very cordial and gratifying reception from all classes of the community. I was entertained as the guest of the State, and everything was done to promote my comfort during my stay.

4. On the afternoon of Wednesday, the 31st instant, the first meeting of the Conference was held. I had previously suggested—and the suggestion was readily agreed to by President Kruger—that Mr. A. Fischer, one of the members of the Executive Council of the Orange Free State, should be invited to act as interpreter. Mr. Fischer consented to do so, on the understanding that he should not forego his position as an Executive Councillor—in other words, that he should be free to inform his own President, in confidence, of all that took place at our meetings. I, of course, raised no objection to this, and I may here say, as was conveyed to Mr. Fischer before the close of the Conference, that both sides were greatly indebted to him for the able and conscientious manner in which he discharged his important duties.

5. The discussion was, of course, confined to President Kruger and myself, though the former was accompanied by two members of his Executive—Messrs. A. D. Wolmarans and Schalk Burger, whom he more than once referred to as "my Commission"—as well as by the State Attorney and other officials.

6. At our opening meeting it was mutually agreed that no communication should be made to the Press during the proceedings.

7. I then asked the President whether he would wish to make any statement as to the object of our meeting, or whether he would prefer that I should first put forward my view, and he chose the latter course. I therefore began by making an absolutely general statement of the object and scope of the Conference from my point of view.

8. I said that the number of open questions between the two Governments was increasing as time went on, and the tone of the controversy was becoming more acute. It was a deplorable situation. In my personal opinion the cause of many points of difference, and the most serious, was the policy pursued by the South African Republic towards the Uitlanders, among whom many thousands are British subjects. The bitter feelings thus engendered in the Republic, the tension in South Africa, and the sympathy throughout the Empire with the Uitlanders, led to an irritated state of opinion on both sides which rendered it more difficult for the two Governments to settle differences amicably. It was my strong conviction that if the South African Republic would, before things got worse, voluntarily change its policy towards the Uitlanders and take steps calculated to satisfy the reasonable section of them, who after all are the great majority, not only would the independence of the Republic be strengthened, but there would be such a better state of feeling all round that it would become far easier to settle outstanding questions between the two Governments.

9. The President, in coming to the Conference, had made a reservation as to the independence of the Republic. I could not see that it was in any way impairing that independence for Her Majesty's Government to support the cause of the Uitlanders so far as it was reasonable. A vast number were British subjects, and in similar circumstances we should in any part of the world, even in a country not under conventional obligations to Her Majesty's Government, be bound to make representations, and to point out that the intense discontent of our fellow subjects stood in the way of the friendly relations which we desired to exist between the two Governments.

10. Having explained at length, to avoid misunderstanding, why I put forward

the Uitlander question in the first instance, I ended by saying that I did not wish to confine the discussion to that question, but, indeed, was very anxious to hear President Kruger's views on the situation generally.

11. The President, recognising that my attitude was one of friendly suggestion and not of dictation in the internal affairs of the Republic, invited me to put forward any points I wished to discuss. I then declared that the point to which I wished primarily to direct attention was that of the franchise, because agreement on this would render the raising of many other questions unnecessary.

12. President Kruger objected that to grant the franchise to any large number of aliens would immediately result in the outvoting of the old burghers. I agreed that this would be unreasonable, but endeavoured to explain to him that it would not result from any proposal that I should make. At present the Uitlanders had no effective voice whatever in the legislation, the existing form of oath was offensive and unnecessary, and by taking it a British subject at once lost his nationality, and yet had to wait 12 years, or, under the President's latest proposals, 7 years, before he could become a full citizen of the Republic. It was perfectly possible to leave the old burghers in such a position that they could not be swamped, and yet to give the numerous foreign population—to whom, after all, the Republic owed its present position—some share in the work of Government, so that they could give the Government the benefit of their knowledge and experience. In this way the time would come when, by their gradual co-operation, instead of being divided into separate communities, they would all be burghers of one State.

13. The President indicated strong dislike to any proposal of the kind, and endeavoured to persuade me that the recent petition to Her Majesty was not a genuine document, to which I replied that I did not think, if the petition to the Queen did not exist, it would alter my opinion, which was based on a long and careful study of the subject we had met to discuss. The only point on which at this stage His Honour showed any disposition to meet my views was as regards the form of the oath, which he expressed his intention of considering.

14. At our second meeting, on the morning of the 1st June, the President began by referring to reports which had reached him as to the strengthening of the garrison at the Cape, the preparations made in Natal, and the assembling of troops on the frontier of Zambaan's land and Rhodesia. I gave a categorical denial to these rumours, and reminded him that the whole British fighting force in South Africa was under the direct control of Her Majesty, so that no unauthorised attack on the Republic was to be feared. At the same time I took the opportunity of observing that we were continually receiving reports of Transvaal preparations, which had already caused considerable alarm on the Natal border, and I added that the large increase in the military forces and equipment of the Republic in recent years had produced a bad impression, both in Great Britain and among the British inhabitants of South Africa.

15. The matter then dropped, and the President, reverting to the subject of the petition to Her Majesty, handed in copies and translation of the counter-petition received by him from over 22,500 non-burgher residents in the Transvaal. (See Enclosure IIA.)

He stated that copies had been delivered to the Governments of all countries where the Republic had consulates, and he desired me to bring it to the notice of Her Majesty's Government, which I promised to do. He was unable to tell me how many British subjects had signed the memorial, and on my pointedly asking whether the class known as "Peruvians"—Russian and Polish Jews, &c.—had done so, he said that it had been signed by all classes of aliens.

16. As regards the Petition to Her Majesty, I said that, to my mind the question was not how large a number of British subjects had signed it, but whether it was supported by the facts, and whether its contents were of such a nature as to require that Her Majesty's Government should take it into consideration. And I said plainly that, while I was not prepared to endorse every statement made in the Petition, I personally considered that the memorialists had a very strong case.

17. The President reiterated his view that my proposal would do away with the independence of the Republic. He said it would be worse than annexation, and the burghers would not agree to it, and he urged that the interests of the Uitlanders were sufficiently looked after by the Second Volksraad, which dealt with matters affecting them, and was rarely interfered with on such points by the First Raad. As you are well aware, this point about the Second Volksraad is absolutely hollow, and I felt bound subsequently to expose it in my memorandum, handed in at the last meeting of the

See Enclosure IIIe.

Conference. The First Volksraad is supreme; it takes all the most important matters affecting the foreign population into its own hands, and it almost invariably deals with them in a sense opposed to the wishes and interests of that population.

18. After considerable discussion on these points, in which the President showed great reluctance to come to close quarters with the franchise question, he finally asked me to propose a scheme, which I did, to the following effect:—

19. I had to bear in mind on the one hand the prejudices of the old burghers and the necessity of convincing them that they would not be swamped by the new-comers; and on the other hand, the uselessness of proposing anything which would be rejected by the Uitlanders as totally insufficient, and would not bring them on to the side of the State, throwing in their lot with it, and working in future with the old burghers as one people.

20. Bearing both these points in mind, I proposed that the full franchise should be given to every foreigner who—

(*a*) Had been resident for five years in the Republic.
(*b*) Declared his intention to reside permanently.
(*c*) Took an oath to obey the laws, undertake all obligations of citizenship, and defend the independence of the country.

The franchise to be confined to persons of good character possessing a certain amount of property or income.

Finally, in order to make the scheme of any real use for the new citizens, who mostly live in one district of the Republic, I proposed that there should be a certain number of new constituencies created. The number of these was a matter for discussion, but from my point of view it was of vital importance that they should not be so few as to leave the representatives of the Uitlanders in a contemptible minority.

21. The full text of my statement will be found as Enclosure IIIA to this despatch, being a transcript from the notes made after careful comparison with the notes of the other side. You will observe that my statement simply laid down the principles on which a scheme of franchise should be based, and that I intentionally left myself a certain latitude as to details. Thus the amount of property qualification and the number of new seats was left open. What was vital in my scheme was the simplification of the oath and the *immediate admission to full burghership* on taking it. Knowing as I do the feeling of the Uitlander population, and especially of the best of them on these points, I felt and feel that any scheme not containing these concessions would be absolutely useless. The most influential and respectable sections of the Uitlander community feel strongly the indignity and injustice of asking them to denationalise themselves for anything less than full burghership—which in the South African Republic carries with it, *ipso facto*, the right to vote for the First Volksraad and the President. They will not accept citizenship of the Republic on any other terms; and unless they accept it in adequate numbers, the whole policy of relying on their admission to the State as a means for the improvement of the Government and the removal of grievances falls to the ground.

22. The President at once objected very strongly to my proposal, saying that it would immediately make the Uitlanders a majority of enfranchised burghers, who by the Constitution formed the sovereign voice, and so controlled all legislation. I combated this view, maintaining that the First Volksraad is the supreme legislative authority, and that as long as the new burghers had only a minority of seats in that body, they could not control the State, though they would be able to exercise some influence on it. The point here discussed between the President and myself is a vital one, and I would refer you to the notes for my position about it. I have the very best legal advice —if indeed it were necessary, but the matter is clear even to the lay mind—that with the judges of the High Court bound by oath to enforce any law or resolution of the Volksraad it is the Raad, and not the majority of the people, which is the supreme authority in the State. This closed the discussion at the second meeting of the Conference, viz., that of the morning of June 1st.

23. The meeting on the afternoon of that day was occupied by a very desultory discussion. I felt that we had now reached the crucial point, and, having put forward my scheme with regard to the admission of the Uitlanders to citizenship, it was necessary, and this was also strongly urged upon me outside the Conference Room, to give the other side time to consider it, and not to hurry them. On the other hand, I was very anxious not to let the Conference drift into a rambling debate on many points, as it had already shown some tendency to do, and thereby prevent our coming to any definite agreement or definite issue on the main question which had just been raised. But

as I knew that the President wished to make a statement about the Dynamite Monopoly, and as I was anxious to elicit his present position on this matter at some stage of the proceedings, I thought the moment an opportune one to refer to the subject.

24. The result was extremely unsatisfactory. The President gave a long history of the Monopoly, for which I beg to refer you to the notes, but it ended up with nothing more than the assurance that a new agreement with the Company was under consideration, which would lead to an immediate slight reduction of price, and some further reduction in three years, and that "the Government and the Volksraad were still busy trying to take the factory over before the expiration of the contract."

25. I do not propose to summarise the President's statements on this subject, but would only refer to the following points:—

(1) That the Company had improperly been writing off its capital.

(2) That he was endeavouring to come to a new arrangement with the Company, the particulars of which he was unwilling to give to me in writing, as this would be acknowledging our right to interfere in his internal affairs; and

(3) That on three occasions persons had been employed by the Government to investigate the accounts of the Company, but that their reports had not been published and were not accessible to the public or to me.

26. It was very difficult to follow the President's explanations and totally impossible to discuss his scheme, as it was only given in the vaguest terms. I was absolutely satisfied that we could not advance the settlement of the Dynamite Question by conversation across a table without very much fuller information than the President was able or willing to give, and therefore did not pursue the matter, feeling that, if agreement on the main Uitlander question were attained, dynamite might be resumed subsequently, and if it were not, dynamite had better be left to be dealt with by the ordinary channels of diplomacy.

27. At the close of the dynamite discussion His Honour invited me to raise further points, but I was by this time more than ever convinced that the only chance of coming to any definite conclusion at all was to stick to the subject on which a proposal was before the Conference, and I therefore urged him at our next meeting to give me his views on the franchise.

28. The President appeared to agree to this, but wished before the adjournment to mention some "grievances" which he had, that I might have time to think over them. They were: (1) The annexation of Zambaan's country; (2) his desire that Swaziland should be incorporated with the Republic; (3) the Jameson Raid Indemnity; and (4) Arbitration.

29. I promised to consider and give a reply on the last three, but as regards the first I said at once that it would be useless to discuss it. The country had been annexed, and Her Majesty's Government had repeatedly declared that they could not reopen the matter.

nclosure *b.*

30. At the fourth sitting, on the morning of the 2nd June, the President began by putting in copies of certain declarations to which he had referred on the previous day as tending to show the spurious nature of the Petition to the Queen.

31. He then gave me a further indication of his view as to the franchise, that, as I understood him, some agreement might be possible in this direction if we were willing to meet his wishes as to Swaziland and the Jameson Raid Indemnity, and consented to refer to arbitration all new questions that might arise either under the Convention or otherwise.

32. I objected that he was now seeking to make any concession on the franchise a matter of bargaining, whereas the ground I had taken up was that the Uitlander question was a standing menace to the Republic and a danger to the continuance of good relations between it and Her Majesty's Government. It should therefore be dealt with on its own merits, and not as a matter of bargain. There followed a prolonged wrestle, in which the President was constantly trying to make the acceptance of any franchise scheme dependent upon certain concessions to him. After a whole hour and a half of it, he finally agreed to discuss franchise without any promise from me on any other subject.

33. The matters which he had been trying to bargain for were:—

(1) Settlement of the Jameson Raid Indemnity;

(2) Incorporation of Swaziland;

(3) Arbitration.

34. As regards (1), I referred him to your despatch on the subject, then on its way to me, of which I gave him the substance. (2) I absolutely rejected. As to (3) I took

the line that, while I had no authority to speak about arbitration, and could not make it a part of any bargain, I certainly desired that, if the present proceedings ended in an all round settlement, we might arrange for the adjustment of future differences by an "automatic process"—by which I certainly meant their reference to some sort of tribunal. It is this remark of mine—a guarded statement of my personal opinion—of which the President afterwards made very unfair use, in saying that I had admitted that arbitration for all questions under the Convention was reasonable, and which appears from the telegrams to have been widely misunderstood in England.

35. I therefore wish to make a few further observations about it. In the first place I would observe that I expressly guarded myself against the idea that arbitration was applicable to all differences. I was thinking, as I indicated, more especially of the question whether the laws and administration of the South African Republic were fair towards its foreign residents. It is, of course, absurd to suggest that the question whether the South African Republic does or does not treat British subjects resident in that country with justice, and the British Government with the consideration and respect due to any friendly, not to say "Suzerain," Power, is a question capable of being referred to arbitration. You cannot arbitrate on broad questions of policy any more than on questions of national honour. Secondly, I stated quite clearly that Her Majesty's Government would not admit arbitration "by a foreign Power, *or any foreign interference*," between itself and the South African Republic.

36. To this extent, therefore, I barred arbitration, nor would I, of my own motion, have referred to it. But as President Kruger brought it in so continually, it would, I think, have been impolitic, and certainly against my own conviction, to take up an absolutely negative attitude with regard to it. I was thinking more especially of the state of things which would arise in the remote contingency of our being able to come to an amicable settlement of all, or our principal, differences. Even in that case it could not be supposed that, in future, questions of difference would not occasionally arise between us—seeing the intimacy and the complexity of the relations between the South African Republic and Her Majesty's South African dominions—where such questions were not general questions of policy, but differences as to the interpretation of a particular clause of a particular document (whether one of the existing Conventions or any new instrument of a similar character which might hereafter be framed). What was to be done to solve them? Arbitration of some sort would appear to be inevitable, although the constitution of a suitable tribunal would always be a matter of difficulty. In any case, all that I committed myself to was a willingness to do what I could personally to arrange for a regular and automatic settlement of future differences, without foreign interference, provided that the main matter then under discussion could be satisfactorily arranged.

37. The meeting on the morning of Friday, 2nd—the fourth meeting of the Conference—to which I have just referred, was perhaps the most strenuous of all our discussions. When we re-assembled in the afternoon, matters took an altogether unexpected turn. I thought that the President, having finally consented to go into the question of franchise, would submit my scheme, which was the basis of the discussion, and which he had pressed me to produce, to some sort of criticism. Instead of that, he suddenly sprang upon me a complete Reform Bill, worked out in clauses and sub-clauses, which I cannot but think he must have had in his pocket all the time, and which had but a very faint resemblance to anything I had proposed. The Bill, as I saw at a glance, was full of restrictions of the most elaborate kind, and, though in some respects an improvement on the existing law, was not calculated to lead to any considerable enfranchisement of Uitlanders.

38. The measure in question, and covering memorandum (see Enclosure IIIB.) were to the following effect:—

39. As his object in the Conference was to remove existing grounds of difference and to provide for a friendly settlement of future differences by arbitration, the following franchise proposals must be considered as conditional and dependent on a satisfactory settlement of the first-named points, and on the President's request for the incorporation of Swaziland being submitted to Her Majesty's Government. Subject to this the President undertook to submit, without delay, to the approval of the Volksraad and the people, detailed proposals of which the following is the substance:—

(*a*) New-comers, registering themselves within fourteen days after arrival, according to the existing law, to obtain naturalisation after two years on complying with the following conditions:—

1. Six months' notice of intention to apply for naturalisation.

2. Two years' continuous registration.
3. Residence in the South African Republic during that period.
4. No dishonouring sentence.
5. Proof of obedience to the laws; no act against Goverment or independence.
6. Proof of full State citizenship and franchise or title thereto in former country.
7. Possession of unmortgaged fixed property to the value of £150, or occupation of house to the annual rental of £50, or yearly income of at least £200. The Government to have the power of granting naturalisation to persons not satisfying this condition.
8. Oath similar to that of the Orange Free State.

Persons so naturalised to obtain full franchise, five years after naturalisation, on: (1) Continuous registration for five years after naturalisation; (2) Continuous residence during that period; (3) No dishonouring sentence; (4) Proof of obedience to laws, &c.; (5) Property qualification as above.

(*b*) Residents in the South African Republic before 1890 getting naturalised within six months from the promulgation of this proposed law, and complying with the conditions (*a*) 1-8, to obtain the full franchise two years after naturalisation on complying with the conditions of full franchise mentioned above, substituting two for five years. Those not getting naturalised within six months to fall under the already-mentioned conditions for new-comers.

(*c*) Those already resident for two years or more to be allowed immediate naturalisation on above-mentioned conditions for new-comers (*a*) 1-8, and to obtain the full franchise five years after naturalisation on compliance with the above-mentioned full franchise conditions.

(*d*) Those already naturalised to obtain the full franchise five years after naturalisation on the last-mentioned conditions.

40. While promising to consider this memorandum, and reply more fully at our next meeting, I pointed out that His Honour's proposal differed absolutely from mine, in that it did not provide for an immediate, or even an early, enfranchisement of people who might have been in the Republic for many years, and it made no provision for an increase in the number of seats in the Volksraad. I therefore, in view of the improbability of our arriving at a settlement on this basis, suggested that the President should consider whether there was any other way, apart from the franchise, of giving the Uitlanders some powers of local self-government, such as were suggested by Mr. Chamberlain in February, 1896. The President, however, was, if possible, more opposed to this idea than to my previous proposal. He maintained that the municipality of Johannesburg had already as great powers as could properly be entrusted to it, and said it was no use speaking about self-government, as his people would be absolutely against it.

41. The Conference then adjourned to give me time to consider the President's scheme more in detail, and I drew up, during the night, a memorandum dealing with it. Indeed, from this time to its close, the Conference was mainly carried on by memoranda. I felt that, if I was to be suddenly confronted with carefully-written documents, evidently intended for publication, I must, on my side, have something prepared with equal care. When, however, I came to the Conference on the morning of Saturday, 3rd, and was about to read this memorandum, the President sprang a new surprise upon me by stating that he would put a proposal for creating new Electoral Districts before the Raad as soon as he returned. He had not mentioned this in his memorandum of yesterday, as it had only just occurred to him, and he now thought of increasing the Heidelburg districts from two to four, or, if the Raad objected to new districts, of increasing the number of Members in the existing districts.

42. I said the position was rather a curious one, as I had considered his memorandum, and had prepared an answer to what I naturally regarded as a complete proposal. I therefore thought it better to read my reply now, and if, after hearing it, the President thought fit to put in another memorandum, I would consider it, as I felt the matter to be of such great importance that I did not want to forego the discussion if there was the least hope of coming to an agreement.

43. My memorandum was then read and translated (see Enclosure IIIc). Its substance is as follows:—

44. I acknowledged that the proposed scheme was a considerable advance on the existing franchise law, and I enumerated the principal improvements, viz.:—

(1) The period required for obtaining the full franchise was reduced from 14 years to 7; (2) Special regard was paid to persons resident in the South African Republic

before 1890, who, by the legislation of that year, were deprived of the prospect of obtaining the full franchise in five years. (3) The oath of the Orange Free State was substituted for the present objectionable oath.

45. But I felt that as a solution it was quite inadequate to the needs of the case. Under the plan no man not already naturalised, even if he had been in the country for thirteen or fourteen years, would get a vote for the First Volksraad in less than two and a half years from the passing of the new law. No considerable number of people would obtain the vote in less than five years, even if they got naturalised; but the majority would not naturalise, because the scheme retained the unfortunate principle, first introduced in 1890, by which a man must abandon his old citizenship for a number of years before getting full burgher rights. My doctrine was that, however long a period of residence was fixed before a man became a burgher, he should be admitted once for all to full rights on taking the oath of allegiance. The vote for the First Volksraad was the essential point, as, according to the present constitution of the Transvaal, the President and the First Raad really constitute the State; but under this scheme it would be a considerable time before any number of Uitlanders worth mentioning could vote for the First Volksraad, and even then they would only command one or two seats. The old burghers ought not to be swamped, but as long as the new-comers had no representation in the Supreme Legislative Council they would as a body remain an inferior caste. I could see in the proposal no prospect of obtaining the co-operation and concord between the two sections of the population to which I had looked to bring about a more progressive system of government, and to remove causes of friction between the Republic and Great Britain. The scheme was therefore so inadequate that it would be wasting the time of the Conference to discuss its details.

46. The President seemed to be even more opposed to the suggestion that, failing an agreement on the franchise, the demands of the Uitlanders might be met by giving them even partial control over the local administration of their own district on the lines, more or less, of the Secretary of State's plan of 1896. That being the case, I was driven to the conclusion that so far as the Uitlander question was concerned the Conference has been productive of no result.

47. The rest of this sitting was spent in an endeavour on the President's part to convince me that I did not understand the question, that the interests of the newcomers were sufficiently looked after by the Second Raad, and that their grievances were really very trifling, and an endeavour on my part to get His Honour to understand why I was pressing for an arrangement under which British subjects should give up their nationality, and why they could only be expected to do so on getting full citizenship in exchange.

48. Matters had now come to a critical point. My objections to the President's scheme, and especially to the principle of citizenship by two stages, had been fully set forth in my memorandum and emphasized in conference, and it only remained to see whether the President would adhere to his position.

49. The Conference was first adjourned till 3 p.m. on Saturday, and then by the President's request till Monday morning. In the course of Saturday I learnt, through the Free State authorities, that the President declared he had gone as far as he could go, that he would not depart from his plan of naturalisation first, and full franchise five years afterwards, and that, though his scheme might be modified in minor details, it was in its main outlines unalterable, to be taken or left. This report was confirmed on Sunday afternoon by the receipt of a further memorandum (see Enclosure IIID.), in which the President's scheme was upheld, and all the old arguments about the importance of the Second Volksraad and the difference between citizenship and the right to vote were repeated. As regards the latter point, I must say that the whole controversy seems to me to arise from a confusion of thought. The President constantly protested against my saying that a man, after naturalization, was only half a citizen. He argued that he was a full citizen, only not fully enfranchised, and that citizenship and franchise are by no means identical.

50. Now, as a general principle, this of course is true. But the point is that in the South African Republic citizenship and full franchise have always gone together—every citizen has been, *ipso facto*, a voter for everything—until President Kruger himself, to keep the Uitlander out, invented in 1890 that system of naturalisation, followed after a lapse of years by admission to the full franchise, which has been the cause of so much bitterness. This did make a great and very important distinction between the old burgher, who is a voter for all elections from the time he comes of age, and the

"naturalised" burgher, and it was the creation of this distinction which, as much as anything, prevented and prevents Uitlanders being naturalised.

51. It seems to me, I must say, idle to argue that, because in other countries a citizen has not necessarily a vote, either for the Legislature or for public officers, therefore in a country where every original citizen has, *ipso facto*, a vote for everything, a man not having such a vote is still a full citizen. A citizen he may be—is, in fact, to the full—in respect of his obligations. But, in respect of his privileges, he is but half and less than half a citizen, for the vote for the First Volksraad and the President is the gist of the whole matter.

52. When I received the memorandum of the President just referred to at one o'clock on Sunday afternoon, I saw at once that, as far as the franchise question was concerned, the Conference would come to no conclusion, and that the only thing to do was to put my arguments as to the complete inadequacy of the President's scheme on paper as succinctly as time permitted.

53. As far as the franchise was concerned the Conference had thus absolutely broken down, and the only question was whether it was worth while to continue it in order to go into other subjects. My instructions, as you are aware, were open, leaning, if anything, rather towards making the admission of Uitlanders to citizenship, or in the alternative the establishment of a municipality with wide powers (a proposal which the President had dismissed as totally out of the question at Friday afternoon's meeting), the main topics of discussion. It seemed to me that no agreement being possible on these points, the object of the Conference which had been defined on our side as "an arrangement which Her Majesty's Government could accept and recommend to the Uitlander population as a reasonable concession to their just demands," could not now in any case be achieved, and that it was better not to prolong the proceedings. As I said in my opening statement, my principal aim at the Conference was not to fight out the various points of difference between the Governments, but, by arriving at a settlement on the Uitlander question, which went to the root of many of those differences, to pave the way for the settlement of all. This amicable compromise on broad lines having been found unattainable, it appeared to me that pending controversies might as well be allowed to take their course in the ordinary way. I therefore closed my final memorandum, already referred to, with the expression of my feeling that the failure of the negotiations as to franchise left the position of the Uitlanders unimproved and their various grievances yet to be dealt with. In view of the importance of this memorandum in the history of the discussion I subjoin it in full.

See Enclosure III*e*.

54. "I have carefully considered His Honour's memorandum of June 3rd. This document modifies the scheme put in by His Honour on June 2nd, and adds to the proposals of that scheme the further proposal to increase the number of Members of the First Volksraad representing the Gold Fields from two to five. The First Volksraad would thus consist of 31 Members, five of them representing the Gold Fields.

55. "The memorandum now under reply further contains certain comments upon my memorandum put in at our meeting on Saturday morning last, June 3rd.

56. "I regret that even with the additions now made I cannot regard His Honour's scheme as one which I could advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail.

57. "The references are to the numbers and letters in His Honour's memorandum of June 2nd.

58. "(1.) By I. A (1). Six months' notice is required for naturalisation.

"By II. (*a*) Persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation.

59. "I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require $2\frac{1}{2}$ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons, who have been in the country from an earlier date than 1890, should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did

so, he was, under the then existing law, entitled to the full franchise in 5 years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was, in my judgment, a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of new-comers, the legitimate expectations of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man, who came in in 1886, and has already waited 13 years, have to wait another $2\frac{1}{2}$ years or even 2 years?

60. "2. I. A. (4 and 5.) I am not quite sure whether "dishonouring sentence" would apply to the Members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case "Act against Government or Independence" could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said "Forgive and forget."

61. "I. A. (6.) This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming from countries where there is a measure of popular self-government. But even in these cases "proof" of "full State citizenship and franchise, or title thereto" might be difficult to furnish. Take the case of a man who was under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed, in his native country, the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hand of officials, whose bias was against the Uitlander.

62. "I. A. (7.) The Property qualification seems reasonable, but £200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers, who do not possess the necessary property qualification, those conditions should be clearly stated.

63. "I. B. (2). 'Continuous residence' (gedurig verblijf). These again are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders who had nevertheless had their permanent home in the country all the time.

64. "I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that while I have an open mind as to the number of new seats for the Gold Fields, and for that reason did not attempt to lay down any definite number in my own proposal, I think three is decidedly too few. Under this proposal the enfranchised new-comers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies, in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one-fourth of the representation seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view, the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers on an equal footing in the First Raad, they would, without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

65. "His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now, financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it come to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a Committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and finally the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the question of public order on the gold fields or the question of education. These, too, are vital questions for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government.

66. "It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the newcomer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home, would rather wait five or even seven years for burghership if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument that in a State where the bulk of citizens do possess full franchise, without other qualifications, the citizen who does not possess it is a citizen of an inferior class. To that inferior class of citizenship a man who has taken the oath under the present proposal may, owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country.

67. "To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present Franchise Laws. But if I am asked whether I think they will satisfy the Uitlander community and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself, in advancing it, what is the smallest measure of reform that will really be of any use, that is to say, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

68. "The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing here. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the inhabitants, it is because of my firm conviction that no small measure would any longer be of any use. The Government has much to atone for in its past treatment of the Uitlanders, and it has much, indeed, it has everything,

to gain, in silencing their present complaints and in removing the long list of Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic.

69. "The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense."

70. The effect of the President's remarks on my memorandum was, he would give me an answer in the afternoon, but that he was not prepared to give up his land and government to strangers, and that he understood from my arguments that if he was not willing to do this, there was nothing to be done. I protested against this repeated assertion, and said that when the notes of our interviews were before the world I would leave it to impartial judges to decide whether it could be truly said that I had ever proposed anything of the kind.

71. At the afternoon sitting, which was the last meeting of the Conference, the President put in his final answer. It expressed his regret that his franchise proposals had been found unacceptable by me. They went as far as was possible in the interests of the people and State, and in principle it was impossible for him to depart from it. He would have been willing to further discuss the details of the proposal touched on by me, but as I refused even to accept the principle, it would be useless to go further into details.

See Enclosure III *f*.

72. I had acknowledged that His Honour's proposal was a considerable improvement on the existing law, and I would also acknowledge that it would be desirable to have this proposal adopted by the Legislature of the Republic, apart from the fact that I did not consider that it went far enough. On the other hand, I had also acknowledged that His Honour's request for arbitration by other than foreign Powers on all points of future difference under the Convention was reasonable, and that it was altogether desirable to have such differences settled according to an automatic plan. It was, moreover, our common opinion that no bargain should be made in this matter, as matters desirable in themselves ought to be treated on their own merits. The question of arbitration could therefore be arranged apart from my acceptance, or non-acceptance, of His Honour's proposals with regard to franchise.

73. Arguing on these lines, His Honour, therefore, made the following proposal: He would be prepared to recommend his franchise proposal to the Volksraad as an important step in the right direction, even though I did not fully agree with it; and he would then expect me to recommend to Her Majesty's Government His Honour's request about arbitration on future matters of difference under the Convention. I would understand that if Her Majesty's Government should not grant this acknowledged fair request, it could scarcely be expected that the people of the South African Republic would approve of His Honour's comprehensive proposal with regard to the franchise.

74. I must here remark that the above quoted phrase in His Honour's memorandum, "Request for arbitration by other than foreign Powers," was the first intimation that I had throughout the Conference that he had modified his previous requests for arbitration by a foreign Power.

75. In reply to this memorandum, I observed that its substantial effect was that we were unable to agree on the subject which had formed the principal topic of discussion. I did not think the matter could be carried any further at that Conference, and in my view of the case we were in the *status quo ante* the meeting.

76. I did not in any way wish to discourage His Honour from laying his franchise proposals before the Volksraad, but he would, of course, do so of his own motion, and not as part of any understanding with Her Majesty's Government. Similarly, any

proposal made by His Honour about arbitration would be considered on its merits, but not as any part of the present negotiation. The Conference was absolutely at an end, and there was no obligation on either side arising out of it. Arbitration had been mentioned during the Conference, along with other matters, but no definite proposal with regard to the method of arbitration was before me at the present moment. I had already stated that on some questions Her Majesty's Government clearly could not arbitrate, and on no questions would they ever agree to arbitrate by means of a foreign government. At the same time there was a class of questions about which Her Majesty's Government might agree to arbitrate, if a suitable method could be found; and if a proposal on that subject were submitted at any time it could be considered independently of any proceedings of this Conference. As I had pointed out the other day, I was not authorised to discuss this question, and all I could say was that any definite proposal which His Honour might make at any time would be submitted to the consideration of Her Majesty's Government.

77. The rest of the meeting was spent in attempts on the part of the President to make his arbitration and franchise proposals dependent one on the other, as portions of a bargain with Her Majesty's Government, and in refusals on my part to accept such a position, and, after an exchange of complimentary remarks, the Conference broke up.

78. Before separating, it was agreed, at the President's request, that nothing should be made public as to the proceedings or result of the Conference until the morning of Wednesday, the 7th June, when he proposed to make a statement to the Volksraad. It was further agreed that, as the notes of the Conference could not be published for some time, owing to the necessity for comparing them on both sides, His Honour should be at liberty to publish, on the Wednesday morning, six documents—my original proposal as transcribed from the notes and the five memoranda. As it was impossible for me to get the documents to Cape Town in time, and as I considered it highly important that the public here should be in possession of the facts at the same time as people in the Transvaal, I prepared a full summary in the train on my way back, and telegraphed it for communication to the Press of Cape Town on the appointed morning. This summary should have reached you in the course of the 7th instant through Reuter's Agency, but the disorganised state of the cable service prevented this, and on hearing from you of the delay I telegraphed it to you on the afternoon of the 8th.*

79. In the present despatch I have confined myself in the main to a bare narrative of the proceedings. It is impossible for me, under the present pressure of work, which more than ever taxes the physical powers of myself and my staff, even to dictate an adequate commentary on the proceedings. There are, however, two points to which I would even now call special attention.

80. First. I did my best, in the long memorandum quoted above in full, to point out within a reasonable compass some of the main flaws in the President's scheme. Apart from the—in my view—unacceptable principle of the two stages of citizenship, the scheme was unworkable by reason of the many difficulties which it put in the way of a man seeking to take advantage of it. But the list of these difficulties is by no means exhausted in my memorandum. Since the scheme has become public many others have been pointed out, even by neutral critics, and I think I may say that by this time it is condemned throughout South Africa as totally unworkable.

81. I do not suppose for a moment that the President himself, who probably did not go very carefully into the details of the proposal, had any idea that the scheme which he put forward as a liberal concession to the demands of the Uitlanders was, in fact, so beset with impossible conditions that very few of them would be able, and, indeed, in all probability very few of them would attempt, to avail themselves of it. But whoever did think out the details of the plan must have known this perfectly well. I cannot but feel that if this plan had been accepted the discovery of its unworkableness in practice hereafter would have led to even greater discontent, to even more bitter and strained feelings between the Government of the South African Republic and its Uitlander population than those which unfortunately exist at present.

82. Secondly, with regard to my general policy at the Conference, *id est*, that of concentrating all my energy upon the question of franchise, or, more properly speaking, of the admission of the Uitlanders to citizenship, I am quite conscious that it is open to

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* Not printed. The telegram was communicated to the press in this country at the time.

criticism. I might have stayed at Bloemfontein 14 days or longer discussing Dynamite, the Edgar case, the Amphitheatre meeting, the Aliens' Law, the Press Law, Police incompetence, the illicit liquor traffic, education, the crusade against the English language, the dependent condition of the Courts, the uncertainty of the laws—liable as they are to be altered at any moment by the resolution of a single Chamber. But my view was this: I had to pursue one of two policies; either (1) to seek in a spirit of broad compromise to obtain for the Uitlanders such a position as would enable them gradually to remedy their principal grievances themselves; or (2) to insist on a series of specific reforms which should relieve the Uitlanders from at least the more serious of these grievances. Of the two possibilities, No. 1 was, in my opinion, far the better, and No. 2 only to be resorted to in case of the failure of No. 1. But to introduce No. 2 prematurely would make the successful pursuance of No. 1 impossible. It was, of course, necessary to indicate, and indicate clearly, as I repeatedly did, the existence of grievances; but to propose to deal with them in detail, that is to say, to propose to interfere, here, there, and everywhere, in the internal affairs of the Republic, would have been totally inconsistent with that line of firm but friendly pressure for the admission of the Uitlanders to citizenship (*id est*, to a position in which they could remedy grievances for themselves), which, in the first instance, at any rate, it seemed best to pursue. But policy No. 1 having broken down, it seemed to me unadvisable at the Conference itself to embark on policy No. 2. For one thing, I was imperfectly instructed as to your view with regard to it. I knew full well that my franchise proposals would have your entire approval, and that of the British public. But what we should press for in respect of particular grievances, if franchise failed, I was not equally certain, and I did not wish to commit myself too rashly to particular demands. Moreover, I thought it would be premature to conclude that franchise on the broad lines proposed by me was unobtainable. It was evidently impossible to get more out of President Kruger at Bloemfontein, especially as the Free State authorities were inclined to regard his proposals as adequate (though how they could come to such an opinion is beyond my understanding) and there was, therefore, no hope of any pressure being brought to bear on him at that time to make further concessions. But I thought that, when the two policies were known throughout South Africa, and when it was seen that Her Majesty's Government took a strong line, my proposal might yet receive such an amount of support as would compel President Kruger to accept my solution on the question of franchise, and thereby to obviate the necessity of our pressing him about a whole series of internal reforms.

83. At the moment of writing it seems to me as if this anticipation were likely to be fulfilled. Not only is the British community in South Africa unanimously in favour of my scheme, but there is evidence that, outside the Republics, a good many of the Dutch take the same view. It would not surprise me if, within the next few days, a very decided expression of opinion on their part was to be heard. I do not mean to say that they will take my side as against President Kruger, but what they probably will do, is to suggest modifications of President Kruger's scheme so far reaching as to convert it virtually into something much more like mine. In that case there is still a possibility, though not perhaps any great likelihood, that the President may give in. Even if he does not, I do not see that we shall be in any worse position for dealing with him on the other line, because, at the Conference at Bloemfontein, I confined myself entirely to the attitude of friendly suggestion, and, avoiding as far as possible all appearance of desire on the part of Her Majesty's Government to interfere in his internal affairs, used all my influence to induce him to agree to a compromise which would render such interference unnecessary.

84. I forward, as enclosures to the present despatch:—

I. The English notes of the proceedings. These do not profess to be a verbatim report, but give a very full account of what passed. They are not finally settled beyond the first day, as I am waiting to receive any comments that the Government of the South African Republic may desire to make on the notes of the last four days. I do not anticipate that many corrections of importance will be made, but I will inform you of any amendments as soon as possible.

II. Copies of the counter petition and of the declarations put in by the President.

III. Copies of the six documents referred to in paragraph 78 of this despatch.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure 1 in No. 1.

I*a*.

CONFERENCE at BLOEMFONTEIN between HIS EXCELLENCY THE HIGH COMMISSIONER and HIS HONOUR THE PRESIDENT OF THE SOUTH AFRICAN REPUBLIC.

At all the Meetings of the Conference there were present:—

His Excellency The High Commissioner.
Mr. G. V. Fiddes (Imperial Secretary).
Mr. M. S. O. Walrond (Private Secretary).
Lieutenant-Colonel J. Hanbury Williams, C.M.G. (Military Secretary).
2nd Lieutenant The Viscount Belgrave, (A.D.C.).
Mr. C. C. Silberbauer (Interpreter).
Mr. H. S. Wilkinson (Shorthand Writer).

His Honour The President of the South African Republic.
Hon. S. W. Burger and Hon. A. D. Wolmarans (Members of the Executive Council of the South African Republic).
Hon. J. C. Smuts (State Attorney of the South African Republic).
Mr. W. J. Fockens (Secretary).
Mr. D. N. R. van Hoytema (of the Foreign Department of the South African Republic).

Hon. A. Fischer, Member of the Executive Council of the Orange Free State, acted as Interpreter throughout the Conference.

First Day.

Meeting of Wednesday, May 31, 1899, 3 p.m.

His Excellency.—It has just occurred to me to say that it is mutually understood that no communication whatever is to be made to the Press while the Conference lasts.

President.—We do understand that.

His Excellency.—I do not know whether the President would like to make any statement as to the object of our meeting, or whether he would like me to state my views first.

President.—As we have been invited, I would like to hear from you first.

His Excellency.—I confine myself to an absolutely general statement in the first instance.

I wish to explain the object and the scope of the Conference from my point of view.

There are a considerable number of open questions between Her Majesty's Government and the Government of the South African Republic on which there is at present no sign of agreement. On the contrary, disagreements seem to increase as time goes on. The number of these subjects of difference shows a tendency to increase, and naturally, that being the case, the tone of the controversy grows more acute.

The President can understand that I am not trying to apportion the blame; not at all. I only say that it is a most deplorable state of affairs, and I do not think it would improve matters to discuss single points at this moment, or even to enumerate them. In my personal opinion the cause of many of the points of difference, and the most serious ones, arises out of the policy pursued by the Government of the South African Republic towards the Uitlander population of that Republic among whom many thousands are British subjects.

This policy, the bitter feeling it engenders between the Government and a section of Uitlanders, and the effect of the resulting tension in South Africa, and the feeling of sympathy in Great Britain, and even throughout the British Empire generally, with the Uitlander population, creates an irritated state of public opinion on both sides, which renders it much more difficult for the two Governments to settle their differences amicably.

It is my strong conviction that if the Government of the South African Republic could now, before things get worse, of its own motion change its policy towards the Uitlanders, and take measures calculated to content the reasonable people among them, who, after all, are a great majority, such a course would not only strengthen the independence of the Republic but it would make such a better state of feeling all round

that it would become far easier to settle outstanding questions between the two Governments.

I do not say we could settle them all at once, but I think we could settle most of them, and that we should be able to discuss all other questions in a spirit much more favourable for their settlement; and that is the reason why I mention this question first.

If this question could be settled on a broad and firm basis, I feel sure that the tension would disappear and everything else would come right in time. On the other hand, if this goes on, although we may settle other questions of difference between us now, we should always have new ones cropping up later on. Now I have great hopes that something may be effected in this direction now, because the President has come here knowing the interest which Her Majesty's Government takes in this matter, and knowing that one of our objects in coming here was to discuss it in a friendly way, and with a view to obtain by friendly representations such concessions as Her Majesty's Government could tell the British subjects in the South African Republic—those British subjects having appealed to Her Majesty's Government—that it regarded as fair.

The President, in coming here, has made a reservation as to the independence of the Republic. I cannot see that it is in any way impairing the independence of the Republic for Her Majesty's Government to support the cause of the Uitlanders as far as it is reasonable. A vast number of them are British subjects. If we had an equal number of British subjects and equally large interests in any part of the world, even in a country which was not under any conventional obligations to Her Majesty's Government we should be bound to make representations to the Government in the interests of Her Majesty's subjects, and to point out that the intense discontent of those subjects stood in the way of the cordial relations which we desire to exist between us.

I know that the citizens of the South African Republic are intensely jealous of British interference in their internal affairs. What I want to impress upon the President is that if the Government of the South African Republic of its own accord, from its own sense of policy and justice, would afford a more liberal treatment to the Uitlander population, this would not increase British interference, but enormously diminish it. If the Uitlanders were in a position to help themselves they would not always be appealing to us under the Convention.

I have thought it necessary to explain this matter at some length, because I feel that if the ground on which I bring it up was to be misunderstood, it might cause a great difficulty to the President. Having said this, I do not want to confine the discussion to that question. I am prepared to discuss any questions which the President wants to bring forward, and I am very anxious to hear his views on the situation generally.

President.—I shall be brief. I have come with my commission, in the trust that Your Excellency is a man capable of conviction, to go into all points of difference. Even should His Excellency wish, in a friendly way, to give me hints on internal matters, I should be glad to listen to His Excellency, so as to remove all points, if possible.

I should like His Excellency to go point by point in this discussion, so that we can discuss each point that he thinks requires attention, not with a view to at once coming to a decision, but to hear each side, and we can go back on any point if necessary, and see if we can arrive at an understanding.

I would like to give concessions as far as is possible and practicable, but I want to speak openly, so that His Excellency may be able to understand.

I should like to say that the memorials placed before Her Majesty's Government came from those who do not speak the truth.

I mean to convey that we do give concessions wherever we think it practicable to do so, and after we have discussed it in a friendly way Your Excellency will be able to judge whether I or the memorialists are right.

I have said that if there are any mistakes on our side, we are willing to discuss them. Even in any matter concerning internal affairs I would be willing to listen to his advice if he said it could be removed in this way or that way. But when I show him that by the point we may be discussing our independence may be touched, I trust he will be open to conviction on that subject. If he accepts this principle of discussion let us take to-morrow, or if necessary longer, and discuss all the matters point by point, and if we see that there are some in which we do not agree, then find some way out of the difficulty between us. If we are both here to try and do what is right and just there ought to be a way to do so.

His Excellency.—There ought to be a way.

President.—So as not to confuse matters, I understand from His Excellency that it is not his wish to give orders in internal matters, but to give me friendly hints to which I am prepared to listen, as in the case of Bunu last year.

I would like His Excellency to give any point he would like discussed.

I do this because His Excellency does not give orders or commands, but has entered into the Conference in a friendly spirit.

His Excellency.—I have no idea of giving orders or commands to the President.

I want to make a remark about Swaziland, and hope the President will not take it amiss. Things went off well on the occasion in question and both parties I believe, were satisfied. The one great reason was that Her Majesty's Government was willing to give something which the other side wanted—because we recognized that they were in a difficulty, that the Convention did not give them the necessary power, and we gave it to them. We were willing to extend their powers—to give them something. Whenever they demand something reasonable there is not any difficulty. On a former occasion they came to us, and wanted us to give them something about the coolies, which was not in accordance with the Convention. We are at all times ready to make concessions that are required to get over a difficulty, and we hope they will show the same spirit of concession.

President.—I am wiling, in a friendly way, to discuss matters that touch internal affairs.

His Excellency.—For a reason which I have already given, which is, that the friendly settlement of these would make everything else much easier, I would like to take the first.

President.—Which point?

His Excellency.—Generally the internal questions affecting the interests of British subjects in the Republic.

President.—One of these points at a time.

His Excellency.—I think the point which it would be best to take first, if the President agrees, because the settlement of it would make so many other discussions unnecessary, would be the Franchise. There are a number of questions more or less resting upon that, and if you knock that away, the discussion of others is more or less unnecessary.

Now I come to this point about the franchise. I should like to know a little more about the President's views. I want to know more because, if I were to begin and say I want this, that, and the other, I know I should be told this was dictation. I do not want to formulate a scheme of my own, but I can, if necessary.

President.—As long as I understand that it is meant in a friendly manner, and you mean to give hints, I won't take it that they are commands. It has already been arranged that you give me friendly hints and advice, and I will not take it as dictation, even though it should be on points on which I should consider you have no right to interfere. I am willing to listen as a friend.

Does His Excellency wish that I should speak about it?

His Excellency.—Yes.

President.—I would like you to bear one point in view, namely, that all kinds of nations and languages, of nearly all Powers have rushed in at the point where the gold is to be found. In other countries they make it four or five years to obtain the right to vote, with us the difference is this.

I am not surprised that in other places the men would have to wait for more than a year to get it, because there are millions of old burghers, and the few that come in cannot out-vote the old burghers, but with us, those who rushed in to the gold fields are in large numbers and of all kinds, and the number of old burghers is still insignificant; therefore we are compelled to make the franchise so that they cannot all rush into it at once and as soon as we can assure ourselves by a gradual increase of our burghers that we can safely do it, our plan was to reduce the time for anyone there to take up the franchise, and that is also my plan. His Excellency understands that if those who rushed in speedily get a vote equal to our burghers, and they can vote in the Volksraad, then in a very short time those who are brought in can turn the laws topsy turvy, and do as they like, and with that my independence would fall, in that they could make laws as they liked, and the burghers would be crushed out in that way, and that is why they are so strict on that point. As His Excellency doubtless knows, I have proposed to the Volksraad that the time should be reduced by five years, and gradually as more trusted burghers join our numbers, we can, perhaps, go further.

There are a number who really do not want the franchise, but they use it as a pretext to egg on people with Her Majesty.

His Excellency.—I understand you to say that it is merely a pretext to make a quarrel, and if they could have it they would not take it.

President.—Yes. From the start it was like this—that after a two years' residence men could become naturalised, and could then vote for the Field Cornet and Landdrost and Member of the Second Volksraad, only not for a Member of the First Volksraad who must pass laws.

His Excellency understands what a Republic is. You must remember also, on this subject, that the burghers in our Republic are our soldiers, who must protect the land, and that we have told these men to come and fight when we have had difficulties with the kaffirs. They wanted the vote, but they would not come and fight. Those who were willing to help obtained the franchise, but it appears that many do not want to have it.

His Excellency.—They did not want to take the obligations without the rights of citizenship, and in that I sympathize with them. If they should obtain that right, then naturally they would have to take those burdens upon them.

President.—Those who want the franchise should bear the burdens.

His Excellency.—Yes. Immediately they get the franchise they take upon themselves the obligations connected therewith.

President.—I do not mean it in that way. I mean this, that those who go on commando get a vote, but they want to get it without going to fight.

When they have got naturalised after two years, and join in protecting the independence of the Republic, I give them the franchise. Thousands of the strangers want it, but they do not want to be called out. We have never commandeered aliens.

His Excellency.—I have some recollection that a tremendous row was caused in 1894 because a lot of them were called out.

President.—Yes, that was according to the Convention. According to the first Convention strangers who did not want to bear the burdens had to get themselves registered—that was stated in the Convention. In that way we acquired the right to commandeer a certain number of strangers. Governor Loch in 1894 wanted me then to leave them out and not commandeer them, and although Conventions and Laws had not provided that they should not be commandeered, we gave in.

In the Treaties with other nations the commandeering of other subjects was specially excluded, but there was no Treaty with Her Majesty's Government to this effect. After representations by Governor Loch it was agreed that, although nothing was said in the Convention about that, we would put Her Majesty's Government on the same footing as other nations, or the most favoured nation.

His Excellency.—I do not dispute that position, but I say that some people were commandeered.

President.—There was nothing at that time to prevent me commandeering them.

After discussion with Lord Loch, Her Majesty's subjects were excluded from commandeering.

His Excellency.—I do not want to pursue the subject, which is only a bye-point.

I understood the President to say that they never had been commandeered. It is admitted that they were commandeered.

President.—His Excellency, I hope, will understand that if I made the franchise so short to-day my burghers would say at once, you have given my land away, because the rush of new population is such that they might completely out-vote us. But, as I said before, as we get more burghers to share our laws and that way strengthen our burgher list, we will make our franchise shorter and shorter, because then they cannot out-vote us.

His Excellency.—It is a question of degree, therefore. If I made a proposal to admit strangers under such conditions as to swamp the old burghers it would be unreasonable. But the newcomers have, at present, no influence on the legislation of the Republic, which makes an enormous difference. They haven't got a single representative.

The First Volksraad consists of 28 members, and not one member represents the feelings of the large Uitlander population.

President.—Men from any country could after two years vote for the Second Volksraad, and after two years more sit in the Second Raad. There are Englishmen

who have obtained the full franchise in that way, and are eligible for the Volksraad. And now I have proposed to shorten the last ten years of the period required for the full franchise and make it five years.

His Excellency.—There are a great many objections of the gravest kind to the process by which men may now obtain burgher rights. First of all, before he can begin the process of gradually securing burgher rights—which will be completed in 14 years at present, and in 9 years according to the President—he has to forswear his own allegiance. Take the case of a British subject, which interests me most. He takes the oath, and ceases to be a British subject by the mere fact of taking that oath; he loses all the rights of a British subject, and he would still have to wait for 12 years, and under the new plan 7 years, before he can become a full citizen of the Republic. British subjects are discouraged by such a law from attempting to get the franchise. Even if they wanted to become citizens, they would not give up their British citizenship on the chance of becoming in 12 years citizens of the Republic.

President.—The people are the cause of that themselves. In 1870 anyone being in the land for one year had the full franchise.

His Excellency.—That was very liberal.

President.—In 1881, after the war of independence, some of our officials and even members of our Raad then said that they were still British subjects, although they had taken the oath of allegiance, and I had to pay back, out of the £250,000, what I had commandeered from them. That was the reason the oath had to be altered. They swore to obey the laws, to work for the prosperity and defend the independence of the State, and then it was said they were still British subjects, and could not be commandeered.

His Excellency.—In what year?

President.—1881.

His Excellency.—But the annexation intervened, and during annexation they were all British subjects.

President.—The point is that they had taken the oath of allegiance, and as burghers they had to contribute to the expenses of the war, in case they did not actually serve. In consequence of the difficulty which thus arose, the franchise law was altered.

His Excellency.—I am not quite so sure. I think the law was altered in 1882.

President.—In 1876 the naturalisation law was first introduced by President Burgers, and did not then require persons to forswear their nationality, but to take an oath of allegiance.

From the time the Government was constituted the period was one year, and up to 1877 they had to take the ordinary oath of allegiance and nothing more, and yet after the War of Independence those who had taken this oath said they were still British subjects.

His Excellency.—In 1882, after all this had happened, there was a franchise law in the Transvaal, which demanded five years' residence, but it did not require the oath that is now taken. It required a simple declaration of allegiance to the State, though all this that the President refers to happened before. Why was not it necessary to introduce this alteration then?

President.—The people who, before the annexation, had taken that oath, but had not forsworn their nationality, 1887, sent a lying memorial, as they are sending lying memorials now, to say that everybody was satisfied, as they now say that everybody is dissatisfied.

His Excellency.—I think I must just explain a little more clearly my views on the point we are now discussing. As a matter of fact it is an important point in connection with what I have to say about franchise. I object to the position about franchise as it stands at present altogether, but the particular point which I wish to take first is this. I think it is unreasonable to ask a man to forswear one citizenship unless in the very act of giving up one he gets another, and I think it is also unnecessary to ask him to do more than take an oath of fealty to the new State, of willingness to obey its laws and to defend its independence, when it is known and certain that the taking of that oath deprives him of his existing citizenship. I think the oath should be a simple oath of allegiance, and that it should not be required of a man until the moment he can get full rights in a new State. Now that was the position under the law of 1882, and all these reasons which the President has been giving are based on what happened before that. Why were they not considered and acted upon when the law of 1882 was made?

I have stated my point about the form of oath, and my view that the oath should only be required when a man has fulfilled the conditions to enable him to take up the franchise.

As for the period required to qualify for the full franchise, I do not see why the length of time should be longer in the South African Republic than in any other South African State. They are all new countries. In the new country which is springing up in the north, and which is getting a new Constitution this year, the period is one year. The people who have conquered that country for the white race may find that the newcomers are more numerous than they are. But I do not expect that anything like that will be done in the South African Republic; something far short of that would be reasonable. What I do think and desire, and that is the object of my suggestion, is this: that the numerous foreign population engaged in commerce and industry—to which the country, after all, owes its present great position in wealth and influence—should have a real share in the government of the Republic, not to over-rule the old burghers —not at all—but to share the work of Government with them, to give them the benefit of their knowledge and experience, which is in many cases greater than that of the old burghers, so that through their gradual co-operation a time may come when, instead of being divided into two separate communities they will all be burghers of the same State. It is not enough that a few people should be let in. It is obvious, however, that you could not let in the whole crowd, without character or anything—I do not ask it—but you want such a substantial measure that in elections of members of the Volksraad the desires of the new industrial population should have reasonable consideration. They have not got it now, and when the questions that interest them come before the Volksraad it is too evident that they are discussed from an outside point of view. The industrial population are regarded as strangers. I have not the least doubt that the laws that are made appear best to the people that make them, but it is the universal opinion of free and progressive nations that laws are best made by people who have to obey them, and not by people outside. The whole of the legislation of the Raad may be good or may be bad, but the laws are made by the Raad for people who have no voice in the Raad, and who in their view of things, their sentiments and sympathies, are widely separated from them, and that, in my opinion, makes the people discontented. It would make all the difference in the world if, when laws are discussed affecting the new population, some representatives of the new population should be present to explain the views and wishes of that population from the *inside*, not from the outside.

I will leave the rest for the present, but I think I have indicated the general principle. I do not want to swamp the old population, but it is perfectly possible to give the new population an immediate voice in the legislation, and yet to leave the old burghers in such a position that they cannot possibly be swamped.

President.—I hope you will be open to conviction on that point. I would like to convince you on the subject, and to show you that it would be virtually to give up the independence of my burghers. In the Republic the majority of the enfranchised burghers consider they are the masters.

Our infranchised burghers are probably about 30,000, and the newcomers may be from 60,000 to 70,000, and if we give them the franchise to-morrow we may as well give up the Republic. I hope you will clearly see that I shall not get it through with my people.

We can still consult about the form of oath, but we cannot make the time too short, because we would never get it through with the people—they have had bitter experience.

I hope His Excellency will think about what I have said, and weigh it well.

His Excellency.—I see your point, and want to meet it.

President—I will think over what has been said, and will try and meet every difficulty.

I am very glad at the friendly interview that has taken place, and I shall think over the point about the oath, in spite of having been deceived therein formerly; and I think we may arrive at a point of agreement. Before we part I would like to take the opportunity of saying that the memorial is one tending to mislead Her Majesty's Government, that it is not what it purports to be, and that I have sworn declarations to prove what I say and that names appear on it of persons who had not signed themselves, but have been placed thereon by others.

His Excellency.—I do not think that, if the memorial did not exist, it would alter my opinion, which is based on a long and careful study of the whole subject which we have met to discuss.

President.—You will no doubt have to make a report on the subject to Mr. Chamberlain, and I would like you to tell Mr. Chamberlain that I can show by sworn declarations that the memorial is not true. As a matter of fact, I do not know where they have obtained the 21,000 signatures, as I have obtained a counter 23,000 or 24,000 people.

His Excellency.—Is it from persons on the side of the Government? From burghers or aliens?

President.—All strangers.

Conference adjourned.

I. *b.*

Second Day.

Meeting of Thursday, 1st June, 1899, at 10 a.m.

His Excellency.—When we left off yesterday the President was just going to say something about the memorial.

President.—Yes. But I would like this morning to say something else first.

I got the reports of the further arrival of troops at the Cape, and also in Natal troops have been told to keep themselves in readiness, and also that troops are being assembled on the frontiers in Sambaan's Land, and at the Limpopo. How must I understand this? Must I regard it as treason, or is it a threat of the sword instead of friendly conversation?

His Excellency.—The British Army in South Africa is not being increased; the story which the President saw in the newspapers about the mobilisation in Natal was immediately denied by the Military Authorities, and the reports as to the alleged assembling of forces on the Limpopo and Sambaan's country are absolute lies.

I, on my part, am continually receiving reports of the armaments on the part of the South African Republic.

Communications have been addressed to the Government of Natal by residents on the Natal border adjoining the South African Republic, saying that they are seriously alarmed by the attitude of the burghers of the South African Republic on the border.

My position about all these things is this. I do not attach any importance to the statements I hear about armaments on the other side, and I expect the President to take exactly the same view of the stories he hears as regards our side.

There is very great excitement on both sides at present, but it is for us, who have met here, to set these excited feelings (as indeed is my object) for ever at rest. It is for us to put these things entirely out of our heads while we are conferring here.

I wish the President could see the communications I on my part constantly receive which are calculated to alarm. They do not alarm me, and he must take up the same position. The whole fighting force in South Africa is under the absolute control of Her Majesty; there is no possibility whatsoever of any unauthorised attack to be feared from those troops.

As this question has been raised by the President I have dealt with it, but I do not want to pursue the matter, as it is one that naturally impedes friendly discussion. But the fact that the South African Republic has seen it necessary of late years to so largely increase its own military force, and to introduce arms and ammunition which is very much more than sufficient to arm every burgher in the Republic, has produced a bad impression in Great Britain, and among the British inhabitants of South Africa.

I think that in view of the assurance I have now given the President, that we have not the least idea of threatening, and that we are making no movement such as he has referred to, we need not discuss the matter further.

President.—It pleases me very much to hear what His Excellency has said, but I would like to give him a correct idea with regard to his statement that Afrikanders are being armed.

Your Excellency knows that when the State was first founded Afrikanders were always armed, but that they gradually became neglectful therein, and when a commando had to be called up against the Kaffirs, we found very many were not armed; while many of those who had arms had old guns, and you can easily imagine that when one was served with a new gun they all wanted them. Our farmers are spread all over the

land, but they are only armed for enemies or wild animals that attack them, and for that we have to make provision, so that everyone has a good gun. It should not be regarded as blame on us. Even at the time of the Jameson inroad we found many of the men unarmed. His Excellency can follow our spoor from the time we left the Cape Colony: we have never been the attacking party, but always defending, and even against the weakest barbarians we never were the first to attack unless they had committed offences, such as murder and other things. We follow out what God says: "Accursed be he who removeth his neighbour's landmark" (beacon), and as long as Your Excellency lives you will see that we shall never be the attacking party on another man's land.

I am fully satisfied with the information His Excellency has given me as regards the troops.

I would like to again point out that the Memorial, in which it is said that all people are dissatisfied, is as untruthful, and consequently as misleading, as the former Memorial, wherein it was said that everybody was satisfied with the annexation. These memorials stated that everybody was satisfied, and when the numbers were taken it was found that out of 7,000 signatures there were not more than 600, including officials, who were willing to call in Her Majesty's Government. I would like to show how the Memorial came into existence, and how by lying and deceit they have scraped names together, putting in names of people who do not exist, and to make up their numbers they put on women and children and strangers. I have the declarations of people who were there which state how these names were gathered together. People are ready to declare on oath—though I have not yet written declarations thereof—that the pages of old memorials of 1895 that had been laid before the Volksraad are annexed to this Memorial. I have a few sworn declarations with me, and there are others which are coming in, with regard to the signatures of the Memorial, expressing satisfaction with the Government and the laws of our land. We nominated people to go round with these memorials, and in each case they have given sworn declarations.

Here are copies of the memorials and translations thereof.

(*Put in. Annexure I.*)

His Excellency.—I should be glad to have the declarations about the signatures to the memorial and who signed them.

President.—They (memorialists) also requested our Government to send it to other Governments. I have, as requested, sent it to my Consuls in every State with the request that they should hand it to the several Governments, and I would also like to make a similar request to Your Excellency to bring it before your Government.

His Excellency.—Of course I shall do so. I have still a few questions to ask. I have only seen newspaper reports on the memorial. Has it actually been sent in to the President?

President.—Yes.

His Excellency.—What number of signatures did you say there were?

President.—22,500; and more are coming in.

His Excellency.—I understand all these are non-burghers, of course?

President.—Yes. So the declarations say. There are some Afrikanders among them who are not yet burghers.

His Excellency.—Has the President any idea how many of the 22,500 are British subjects?

President.—I cannot tell.

His Excellency.—Not even approximately?

President.—I know that there are many English among them.

I have also got another address from the workpeople, who had not signed the memorial, who said they were afraid to sign it, as they said they would be turned away from the mines where they were working.

They declared in their address that they were perfectly satisfied, but they only ask for one point—that I should make a law to the effect that once a year the workpeople should have the right to have a meeting. Besides all those, there are also a good many at the mines who have declared verbally to me, but I have taken no further notice of it, that they are obliged to sign memorials like that sent to Her Majesty's Government, otherwise they stand the chance of losing their billets.

His Excellency.—I am totally unable to judge of these memorials, not knowing at all who are the people signing them. It would interest me very much to know whether the class known as "Peruvians," Russians and Polish Jews, &c., signed this memorial to a great extent.

President.—Yes. All strangers.

His Excellency.—I am not able to say anything about the weight that ought to be attached to the signatures to the memorial without having seen it.

How as to the other Petition?

President.—I have here the copy of each and original, as also form of declaration sworn in connection with these memorials sent in to the Government.

(Copy of Declaration put in, and interpreted as follows:—)

"We, the undersigned, declare under oath that we obtained the signatures on the memorial handed in to the Government of the South African Republic, opposing the petition directed to the British Government by the inhabitants of Johannesburg, and on which there is alleged to be 21,000 signatures.

And we declare that the above mentioned signatures have been obtained by us *bonâ fide.*

(Signed.) (Here follow four signatures.) Sworn before me, L. J. Jacobs, J.P., Pretoria, South African Republic, 27th May, 1899."

His Excellency.—Am I to understand that these four gentlemen guarantee the genuineness of 22,500 signatures?

President.—No. These only certify as to the signatures they obtained. One has obtained 3,000; another 2,000; and each one swears to the genuineness of the signatures on the memorial which he himself took round.

His Excellency.—Precisely the same thing was done in regard to the other petition. We have sworn affidavits for all the signatures.

President.—I have never seen them.

His Excellency.—About the other petition. Before sending it on I satisfied myself as far as possible, and as far as mortal can under the circumstances, that it was *bonâ fide.*

I cannot see that anybody can contend that when a number of sheets go round, even if the most careful canvassers are concerned, mistakes will not occur.

President.—Each man concerned was made responsible for the signatures in order to be sure that they were *bonâ fide.*

His Excellency.—It was just the same in the other case. Copies of the memorial, with blank sheets attached, were given to each person who went round with them, and these declared under oath to the genuineness of all signatures obtained by him.

President.—If there is any doubt on what I say, I can obtain a mass of declarations that these persons did not act up to their instructions. People have come and told me that even Free Staters and women and children were asked to sign.

His Excellency.—Very possibly; but I feel perfectly certain that the same assertion will be made on the other side. It appears to me that the only way to settle the question of signatures would be to have an impartial Commission to enquire into both petitions, but that would needlessly involve a great waste of time.

President.—If there is any doubt about it, I have declarations showing that when the memorial to Her Majesty was being signed, the 23,000 people who signed our petition did not know that the other was being signed, but in the case of our memorial, everybody knew it was being signed.

His Excellency.—It does not seem to me to matter much whether they did or did not know that the other memorial was signed, seeing that the petition sent to Her Majesty's Government was one from British subjects; and if there were a lot of Russian Jews and others who were not asked to sign, it was perfectly natural. What would have been said if any of these had been asked to sign? It would have been said: "What right have people who are not British subjects to send in a petition to Her Majesty's Government?"

President.—Does His Excellency mean that all the 21,000 are British subjects?

His Excellency.—They all ought to be.

President.—If no women, children, and coolies, and bastards have signed the memorial, I do not know where they obtained so many names from.

His Excellency.—I know a certain number of coloured people have signed it. When I sent on the petition I myself called attention to that. I never wished to exaggerate the importance of these petitions. I pointed out that there were a few signatures of women and coloured people.

The great question is not whether this petition was sent in signed by 20,000, by 10,000, or by 5,000 British subjects, but whether the contents are of such a nature as to require that Her Majesty's Government should take it into consideration.

President.—I do not speak about its having been taken into consideration, but if 22,000 come and say the other memorial is not true?

His Excellency.—This memorial alleges certain definite grievances of British subjects in the South African Republic. What Her Majesty's Government have to do is to consider whether there is reason in this petition, or whether there is not. I am now only going to express my personal opinion on the case. I have no information as to the view that Her Majesty's Government take about this particular petition, but I know the view of Her Majesty's Government about a number of subjects which are mentioned in the petition. I therefore, speaking for myself alone, do not think that the fact that a number of people in Johannesburg or in the South African Republic have put forward a counter-petition stating that they are satisfied with the Government, and especially that they do not desire the intervention of Her Majesty's Government, greatly affects the case. That some people, mostly not British subjects, declare themselves contented does not at all relieve Her Majesty's Government of the necessity of considering the grievances which are brought before it by a large number of its own subjects. I look at the matter on its merits; and I say, independently of the number of people that signed, is the petition supported by the facts? My own personal feeling is that, while I am not at all prepared to endorse everything that is said in the memorial, and although if I had had to put the case myself I should have put it in a very different way, I do consider that the memorialists have a very strong case.

I must be frank about it. I shall most earnestly avoid anything like language which would give offence to the President, but I should not have come here at all if I had not myself felt most deeply that British subjects, and the Uitlander population generally—especially the Uitlander population who wish to make permanent residence in the Republic—have very great grievances indeed, and my object in coming is to try and persuade the President of the necessity, wisdom, and justice of dealing with them, and I should like to continue the discussion on that ground.

President.—His Excellency knows by our Constitution, and also by the Convention, the country is open to everybody that comes there, and submits himself to the laws of the country, that they can share in all the privileges, except political rights.

I also do not mean to give any offence in what I say.

If I had to consent to the proposition which His Excellency had put forward here, in the way that he brought it on here, then the freedom of the Republic would not exist any longer. It would be worse than annexation, but I should like to go into the point myself to show what I mean, and I hope His Excellency, as a sensible man, will be open to conviction.

I say once again that on anything that does not touch our independence I would like to have friendly hints from His Excellency—even if on internal matters—and would take into favourable consideration anything His Excellency might say. But when he speaks of anything that would hurt my independence, what would the people say who have sacrificed their blood and property to secure that independence? Thus it would be difficult to promise something that I know the burghers would not agree to. But on ordinary points, where I would have a chance of getting something through with the burghers, I would like to go into them and discuss them.

His Excellency.—Perhaps we had better consider the matter we were discussing yesterday.

As to the question of the independence of the country, I remain firmly convinced that the things I am urging upon the President are calculated to strengthen it. Of course, I may fail to convince the President of that, but I protest absolutely against the view that he is defending the independence of his country, and I wish to take it away. What makes this whole discussion so difficult is the intense prejudice on the side of the present burghers, and their intense suspicion of us. They think Her Majesty's Government wants to get their country back in one way or another. Her Majesty's Government does not; but what it does desire is that it should have such a state of rest in the country as will remove causes of friction and difficulty between the Republic and Her Majesty's possessions in South Africa, and the whole of the British Empire, and my suggestions here are directed to that end. I do not want to say it over and over again, I say it once for all.

If the President will allow me, I will go back to the question of admission of the new population to burgher rights, to which I attach so much importance.

President.—I should like to make a slight explanation to His Excellency.

His Excellency yesterday mentioned that in some States those going in from outside speedily got burgher rights, but he must not forget, as I said before, they are glad of the people who come in. But, here we have all nations and all kinds, and if they were to get burgher rights quickly then that would be the end of our independence, and then they

could send us away where they liked. I would like His Excellency to bear that in mind.

His Excellency.—I do not see how the old burghers can have it both ways. They cannot have a very large population streaming in to develop the resources of the country, and giving it a much higher position in the world than it would otherwise have, and at the same time exclude these people from participation in the Government of the country.

President.—Your Excellency must bear this in mind. There is no Gold Law in the world that is so liberal as that of the Republic. Prospecting claims cost only 2*s.* 6*d.* a month, and for mining claims when they get the gold it is only a pound (£1) at the outside. Then the Government doesn't get all; the owner gets half, and when the digger is owner he gets half. They pay £12 per annum for a claim, and they take millions of pounds, year by year, out of it, and I have said nothing against it; I have allowed them to get richer and richer, but the burghers bear the burden of the land. We have reduced the duties on goods benefiting the mines and also the railway tariff, so that £700,000 were taken away from our revenue to meet them, and in that way the Government had a short-fall in money last year. In other respects they have not to bear the burden of the burghers, but they get the benefits. In some instances the new comers, whom I may style "half burghers," join with the old burghers in electing members to the Second Volksraad, where matters affecting the Gold Fields are treated. If they are two years here they can vote for the Second Volksraad, and after four years they can sit in that Chamber, which deals with their own interests, and which the First Volkraad does not deal with.

His Excellency.—Can the Second Raad do this without the consent of the First Raad?

President.—If such a law appears to be against the general welfare, the First Raad would alter it, but during the period of the existence of the Second Raad I do not know of more than three or four instances of interference, and then only on points that touch the general public.

His Excellency.—But it is absolutely in their power to do so?

President.—Yes. But the First Raad does not wish to go into goldfields matters although it has the power to do so.

His Excellency.—I don't say that they are not dealing fairly from their point of view, but they are not in sympathy with the new population. The new population have no elective voice in the First Volksraad, and year after year the new population goes on clamouring for reforms in matters which affect them, and they never get them.

President.—But they can in a short time have a voice in matters which specially affect them.

His Excellency.—But they cannot themselves get a vote without abandoning their own nationality, and even then they cannot get full citizenship, they have to wait for a large number of years, and run the risk of the prospect of becoming full burghers being taken away from them at any time by a single Resolution of the First Raad.

President.—How can it be taken away?

His Excellency.—Because the Volksraad by besluit can do as it pleases.

President.—They haven't done it yet. The legislatures of all the world have the same power.

His Excellency.—This power existing, the new comers cannot be expected—I should not recommend one of them—to give up his present citizenship for the mere chance of becoming a citizen of the new country.

Of course I can go at great length into an answer to what the President has just said, but I don't think we are getting any further.

To put it shortly, I have come here to see whether I can induce the President to accept suggestions of mine, made in a friendly spirit, suggestions which Her Majesty's Government could recommend to its own subjects to accept as a reasonable instalment of reform. I put them forward, and if the President does not see his way, if the President thinks we are asking too much, all I can say is I have made my suggestions and I must report to Her Majesty's Government that the President rejects our friendly suggestions.

President.—I would be misleading you if I should tell you that I can give all the strangers the franchise in a very short time. I would consider that our independence was sacrificed thereby: but I say this, let His Excellency keep impartially in view my points of difficulty and let him make his proposals and submit them to us, so that we can consider them and judge about them. If they are points of difficulty we can still discuss

about them, and see if we can agree upon one point or another. I have already said that perhaps means may be found to alter the form of oath.

I wish in conclusion that His Excellency will keep my difficulties in view.

His Excellency.—I do keep the President's difficulties in view.

President.—You must not think that I have not given this matter consideration and as time goes on the period will be made shorter and shorter, because the number of our enfranchised Burghers is also increasing, but I cannot now say whether the period should be one, two, three, four, or seven years. If the term was once fixed for all I would take away the rights which those have now to vote for the Second Volksraad, and where they might now be satisfied to vote for the Second Volksraad, they would not like to wait the time for the First Volksraad.

I would now like His Excellency to propose a scheme.

His Excellency.—I am in a very delicate position in making proposals, because I cannot ask all I think is right.

President.—But His Excellency can endeavour to make a proposal which does not touch my independence.

His Excellency.—Don't let us talk about independence every minute, I assure the President that I don't want to touch his independence.

President.—I only say it because His Excellency says that what he proposes will strengthen my independence. Let him bear my views in mind in making proposals.

His Excellency.—There are two things I have to consider. I have got to consider the prejudices of the old burghers. I know that even if I were to convince the President himself he might have difficulty in convincing other people; therefore I must in proposing anything propose something which it can be made absolutely clear to the old burghers will not swamp them. On the other hand, I have to consider that it is perfectly useless to propose something which will give no satisfaction whatever to the reasonable desires of the new population, which may be rejected at once as totally insufficient, the whole object of the proposal being to give them such an amount of satisfaction as will bring them on to the side of the State, to throw in their lot with it, and to work in future with the old burghers as one people. Bearing these things in mind, what I suggest is this; that every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, should be allowed to become a citizen on taking that oath. This should be confined to persons possessing a certain amount of property, or a certain amount of yearly wages, and who have good characters. In order to make that proposal of any real use for the new citizens who mostly live in one district in the Republic, and a district which only returns one member in 28 to the First Raad, and one in 28 to the Second Raad, I propose that there should be a certain number of new constitutencies created, the number of which is a detail upon the discussion of which I will not now enter. But what is vital from my point of view is that the number of these districts should not be so small as to leave the representatives of the new population in a contemptible minority.

President.—With us the majority of the enfranchised burghers constitutes the ruling voice, and must be listened to in the Volksraad. If the 60,000 came in immediately, they would swamp the 30,000.

His Excellency.—It would not be reasonable to give the franchise to the 60,000 at once.

President.—But, nevertheless, we give the power into their hands.

His Excellency.—Is the number of members for a district in proportion to its voters? What does the President mean by outvoting in the Volksraad?

President.—I mean this; that if they are all enfranchised then they would at once form the majority of the whole population, and the majority of enfranchised burghers, according to our law, must be listened to by the Volksraad; since in a Republic we cannot leave the sovereign voice out of account. Then if they once got the vote, and the majority come to the Volksraad saying that the number of Members of the Raad should be in proportion to the number of electors, the Volksraad would be obliged to listen to it, and it would be all up with them.

His Excellency.—This is pure theory, that the Volksraad have to do what the majority of the people desire. The Volksraad does what it considers right in its own eyes; it is elected by the people, and does what it thinks right, and the President has made it quite clear during the last year or two that anything the Volksraad does is law.

President.—The majority can disapprove, and if there is disapproval by the majority of burghers, the Volksraad must listen to them.

His Excellency.—It is clear that according to your present Constitution, the Volksraad can make any laws it pleases.

President.—The Constitution says that the people have the right to approve or disapprove, and what the majority of the enfranchised burghers should say the Volksraad must listen to. When I speak of the people, I mean the enfranchised burghers, of whom the majority is the sovereign voice. As soon as the enfranchised strangers are more in number than the others, you will understand that the sovereign voice would rest with that majority, and would be no longer with the old burghers.

His Excellency.—I understand the President to say so, but I cannot understand by what process of reasoning he arrives at it.

President.—I speak of our law as it stands. The law says that the majority of the enfranchised burghers is the sovereign voice, and if that majority is once in the hands of the new comers, they would have the right of allowing or disallowing.

His Excellency.—I have taken eminent legal opinion, the opinion of some of the best legal authorities in the Transvaal, and they are all quite clear on the point that the First Volksraad can make any laws it chooses, and that the Courts are bound to enforce such laws. If the Volksraad were to make a law against which the majority of the burghers protested, and an action was to be brought in the Court under that law against which the majority had protested, the Court would still be obliged to decide the matter in accordance with the law passed by the Volksraad.

President.—As long as the law is law the Court must be bound by it, until the majority of the people say it must be altered.

His Excellency.—And if the people say so, and the Volksraad does not choose to alter it, it is perfectly clear to all advocates, and perfectly clear to me, that the Courts cannot take any notice of the fact that there may be memorials against the law. There is the fact that the Volksraad have passed the law, and the Courts must give their decision in accordance with it.

President.—The Courts must obey as long as it is law. As soon as the memorials are against the law the Volksraad must alter that law, as has already frequently happened.

His Excellency.—But under the existing Constitution, if it doesn't choose to do so, there is no power on earth to make it. The Court can only enforce the law.

President.—The Volksraad make laws which in the first place are brought up in the form of Resolutions, and if it is found that the majority of the people express their views against them, they are eliminated. Neither the majority of the Volksraad, nor of the Court, nor of the Executive Council, are the sovereign voice ; that rests with the people.

His Excellency.—I believe absolutely that the President means all he says. But my point is, that there is no necessity that what the sovereign people wishes should be law. The First Volksraad makes the law, and the Courts are bound to enforce it. If the President thinks that my proposal is going to swamp the old burghers, I have told him that this would not be reasonable, and I do not desire it. I am willing to listen to his proposals, but my point is, and I consider it is vital, that a certain representation be ensured to the new comers in the highest Raad.

President.— His Excellency has made a proposal, and we should like to have everything you have to add to it, and I will take the opportunity of discussing it with my advisers, and may get nearer to something. I see difficulty in the form it is made, it attacks all our laws made on the subject. I would like to discuss the matter with my advisers, whom I have here, to see if we can come nearer to it.

His Excellency.—It is a very important matter, and naturally the President wants to look at it from all sides.

There is just one thing I would like to say, I don't think there would be a tremendous inrush of new comers.

President.—I speak from experience.

His Excellency.—The President says there are altogether about 60,000 of those strangers : a considerable number of those are birds of passage ; there are an enormous number of miners, for instance, who go for a couple of years and leave again.

President.—They make the most noise ; it is those who stir up the others.

His Excellency.—They do not want to be burghers. I fully sympathise with you in not wishing to give a share in the privileges of the country to people who only come for a short time. There are a large number of people who don't want to stay in the country, who don't care to take the burdens of citizenship, and they won't try to get in ; and

there are many people who cry out for the franchise who don't want it. The best answer to them is to offer it to them, and if they refuse it no reasonable human being will have anything more to say for them in respect of that matter. I don't say give it to every one. A considerable amount of property or a high wage should be a condition. These 60,000 people are a bugbear.

President.—Your Excellency speaks in ignorance, otherwise you would not say so. If they only want to stay here for three or four years they will want to be "baas" for those three or four years, and take the franchise.

(His Excellency's proposal read over from the notes.)

President.—I should like to know whether that is His Excellency's proposed suggestion, and whether Your Excellency wants to say anything further.

His Excellency.—It is understood that past residence would also count.

President.— Yes, so I understand you. And the result will be that a large number will immediately be able to obtain the franchise, *i.e.*, those who have already been here more than five years.

His Excellency.—I have only given the leading idea, but there are numerous details which would have to be gone into.

(Close of the morning's proceedings.)

Ic.

SECOND DAY.

Meeting in afternoon of Thursday, 1st June, 1899, at 2 p.m.

His Excellency.—Does the President wish me to continue or has he any suggestions to make ?

President.—I would like to hear from His Excellency his various suggestions.

His Excellency.—I have made my suggestions on what I regard as a very important point, and I have expressed my opinion that if we can come to an understanding on that point everything else would be very much simplified, and I would very much like to see if there is any approximation of our views on this point.

If the President has anything that he wants to speak about I won't stand in the way.

President.—I should like to have a little time to consider the matter before speaking about it again. I would like to have all points on which you have difficulties, and these we can discuss also.

His Excellency.—There are a number of points which I should not be inclined to raise if we could come to an agreement upon the point which I have already raised. For this reason I want to explain the exact position. There are a number of points outstanding between the Governments independently of the position of the grievances of the British subjects in the South African Republic. There are a number of other points arising out of the complaints of the British subjects on internal affairs. As far as these latter points are concerned I hope that it may not be necessary to discuss them, because the moment that the people who raise these complaints are put in a position to fight their own battles within the State I shall, with joy and delight, say to them if they raise complaints, "You are burghers of that State ; you have no right to complain to me ; you must fight your own battles." There are a lot of questions which would drop if we could come to an agreement on this.

Therefore, if I touch on other points now they will be points in no way connected with the franchise, and which do not fall to the ground on the granting of the franchise.

Among the more important of these is, I think, the Dynamite question, and on that subject I hope to hear something from the President. He knows the position that Her Majesty's Government has taken up in that matter, and I have gathered from what has been said on the subject that if the President does not recognise the right of Her Majesty's Government to interfere in the question, he at any rate recognises the fact that the position is a very bad one. I mean it brings discredit upon the State, and, therefore, I am in hopes that the President is prepared to deal with that matter in such a way that the point about the Convention, which is a very disagreeable and troublesome one, may not have to be pressed.

I should be glad to hear what the President's view is about dynamite.

President.—I would like first to mention another point.

On the first point you mention that if they come and complain to Your Excellency you will say "Don't come and complain to me, make your matters right yourselves." They would be foolish to complain if they had got what they want, because they would be masters of the situation. If I gave in this morning on what was asked they would have no reason to complain because I should give up everything.

As regards dynamite, I say that the dynamite manufactory is one the State cannot do without, because I must have my own factories to help my country and the mines.

Mr. Chamberlain has said in his reply that as a monoply of the State it would not be against the Convention, but if it was given away by a concession whereby greater profits went to the concessionaires than the State received, it would be a breach of the Convention. I pointed out that all States that have monopolies also have people to work them for them. In the beginning, when the Company was created it was a French Company, and dynamite that came from outside cost £8 per case, then England and also Germany wrote about it that one nation had the benefit of that concession. Then I changed it to bring the three together, namely, the Germans, the English and the French, to have this manufactory to make the dynamite for me and we arranged it in that way. Then we put the maximum price at £5 per case for the dynamite. From then they began to import cheaper and cheaper dynamite and it was clear to me that their object in doing so was to try and kill our manufactory.

His Excellency.—Who was it that was importing cheaper? Was there free importation at that time?

President.—Yes, as long as there was not enough manufactured in the State. Then also the manufactory came down in price until it stood at 85/- a case, and there it stood until an offer was made from outside, but they could not guarantee more than 50,000 to 60,000 cases, and that only for a year or four years, I cannot remember exactly how long. The mines, however, go ahead so fast that the Company now makes 300,000 cases per annum not to get in arrear with the requirements.

His Excellency.—May I ask one question? Is the number required per annum about 300,000 cases?

President.—Sometimes it is over 300,000, now it is 250,000, but to keep well ahead they make 300,000.

His Excellency.— Are these 300,000 all made on the spot now or are they partly imported?

President.—Nothing is imported, all local manufacture.

His Excellency.—And the materials, are they all produced here or imported?

President.—When the three nations, France, Germany, and England, came together to consider the big manufactory (of course, the first was a small affair), then only 40,000 cases were required. They intended to make in 2½ years what would be sufficient for all the mines, not only 40,000, but 80,000. The Volksraad resolved that the Government should import the explosives to make cartridges, while they were preparing the factory. The Government imported the article and they gave it to them, and they had to sell it and pay the Government back the money.

His Excellency.—During this period while the factory was being made, cannot you produce statistics showing what was imported, who got the profit on the difference between the price at which the imported stuff was bought and sold? was there not an enormous difference between the two prices?

President.—At that time they were busy erecting buildings, &c., only. They had to give back to the Government the money for the imported stuff. The Government imported the stuff, and they had to pay back the money as they worked it out. They had to pay 7s. 6d. on a case to the Government.

His Excellency.—Do I understand that what was imported was while the factory was being built, and that the difference in the prices at which it was imported and at which it was sold went into their pockets?

President.—I will come to that part presently. When the 2½ years were up and they were making over 80,000 cases, then they would have to make from material in the country, so that the Government need not import any more. Then they showed us that the mines were going ahead so fast, that the manufacture was small, and that if they did not double the manufacture they would not be able to cope with the demand.

His Excellency.—Was this during or after the 2½ years?

President.—I am speaking now of when the 2½ years had expired.

They were then making 80,000 cases. They then worked to double the output, and in consequence, more machinery had to be employed for making the explosives, because

they had to work it so hard. It exploded once and they had to get double machinery in consequence, and then the Volksraad extended the term so that the Government could import for another six months, and then Government need not import any more.

That was the way the manufacture started, and after that it was finished ; they never were allowed to import, only the Government.

His Excellency.—They got the difference between the price they bought at from the Government and what they sold it at ?

President.—I am coming to that point.

Then the manufactory could cope with the requirements ; then it was understood then they should give us when wanted 20 per cent of the profits, besides the 5*s*.

His Excellency.—After the factory was finished ?

President.—Yes. Then complaint was made that they were writing off too much, and that made the profit so small. This writing off too much consists of this. They can make ordinary deductions, such as interest on the money and the working capital, and so on, but they persisted in also writing off the capital.

His Excellency.—At what rate ?

President.—So that they would have their capital back in 15 years, when the concession was up.

His Excellency.—Is it clear what the capital was that they put into the affair ?

President.—I cannot state correctly,

His Excellency.—Are there any reliable statistics of how the capital has been expended, &c.?

President.—Yes, that has been correctly taken.

His Excellency.—Perhaps to help me in the matter the President might let me see them ?

President.—We have not brought them with us.

His Excellency.—I daresay the President can tell me.

President.—It is a long thing. I have already had this done correctly, and the State Attorney assisted in it. The writing off by them of capital also was not entered in the contract, and I came down upon them that they should not do it. I showed them that the Railway Company did not write off this capital. The day I have to take over the Railway I have to pay the capital out. The Railway also only writes off interest on their money on working capital, but when I take it over, I must pay the railways out, and in the dynamite contract there is nothing mentioned about their being paid out. Then I say to them I call that fair ; but still it is illegal, because not mentioned in the contract ; they should have come to the Government first. So they paid back what they had written off. What they had written off too much, which was partly capital, they had paid back.

His Excellency.—When the President says too much, I do not quite understand that. Either they would receive from the Government, on its taking over the factory, what had been spent on the factory—or else they would write off the capital during the course of this contract.

President.—I am coming to that.

As I said, I call it fair that they should have to be paid off or written off ; but I call it illegal because they did not come to the Government and consult them about it.

When I had to compromise with the French Company so that they could arrange with England and Germany, this new Company had to pay them a big amount.

His Excellency.—This was when the new Company was constructed ? The new Company had to pay out the French Company. Did they pay in cash or shares ?

President.—They still remained in the concern. They took partly shares and partly cash.

His Excellency.—I should like to know what was the amount of actual cash which this present Company paid at the time of its construction in order to get rid of the old Company ?

President.—That I do not know.

If I name an amount I may be mistaken ; but they paid for the buildings, plant, &c., and for compensation, &c. ; that they paid in shares.

His Excellency.—It is necessary to know these things in order to give anyone a proper understanding of the business.

One of the most important points is to find out what is the amount of capital which has been spent on the buildings and plant, and the sum paid in compensation, &c. What

is the exact amount they have spent? As long as that fundamental point is obscure one cannot form any judgment in the matter.

President.—I would like to meet those points.

We have three times, on separate occasions, appointed able men to go into the books to find out the state of affairs, when we had to know what they had written off, and what the ordinary writing off should be.

His Excellency.—Were trained accountants employed? Are their reports published?

President.—No, not yet published.

One was made by the Chief Inspector of Offices, and the legal adviser also appointed someone to see that they agreed, and their report was given in to the Auditor and Treasurer General.

His Excellency.—All these reports have gone in to the Government?

President.—Yes.

His Excellency.—Are they secret or published?

President.—I do not know that they are secret; they have been before a commission of the Volksraad; the public have no occasion to have them.

His Excellency.—I could not have one, for instance?

President.—It would not be fair to my factory to disclose its affairs before the world.

His Excellency.—I know that I cannot claim a right to look into those accounts, but where there is a State Monopoly the accounts are usually published. Anyhow, I take it that they are not obtainable.

President.—You cannot get into the position to judge about writings off, whether we are right or wrong, unless you were in a position to judge the whole of the matters which affect it.

His Excellency.—Anyone would see that their capital must necessarily be large, when you consider the buildings, plant, &c., but I have never known in public finance a case in which you cannot find out the actual figures of capital invested; I cannot understand why they cannot be arrived at.

President.—There is no particular secret about it, we have not done it but we can do it. We can know on what we calculate our 20 per cent. of profit.

I daresay His Excellency knows how long our powder factory has been established. We could not get any persons to work it properly because we would not give them any share in the profits; then it was tacked on to the dynamite works. They hire it from us and pay us for it, and they are bound to deliver it at the same price to us as that at which we can get the material in Europe.

The contract has been entered into for fifteen years, but now we are engaged on a plan to take it over. They brought the price from 85*s.* to 72*s.* 6*d.*, and we got them to do that.

His Excellency.—85*s.* was the price at the time of the Industrial Commission?

President.—They came down to 85*s.*, and in consequence of the commission and my speaking to them they came down to 72*s.* 6*d.*

His Excellency.—How low have they come down now—72*s.* 6*d.*? Is that the price at which it can be bought now?

President.—Yes, that is the price at which it will be possible to buy it at present.

His Excellency.—For instance, if I wanted to buy dynamite to-morrow, how much would I have to pay?

President.—I believe at this moment it sells at 75*s.* per case.

With the 5*s.* we give back they sell it now at 75*s.*, but regardless of that they lowered it to 72*s.* 6*d.*

His Excellency.—At the time of the Industrial Commission 85*s.* was the price, of which the Government got 5*s.*, now it is 75*s.*, of which the Government gets nothing, or anything?

President.—At this moment it is 75*s.*, of which the Government gets 2*s.* 6*d.*; now there is a proposal to reduce to 72*s.* 6*d.*, of which the Government gets 7*s.* 6*d.*

Then they asked if when the fifteen years elapsed they could get an extension of the time if the Government did not take it over; this has been refused to them.

The Government wants to take it over as soon as the fifteen years are up, then they will have it valued and will not allow them to write off anything more. I will push negotiations with them to see if we can take it over sooner.

Another point I would like to mention is that in three years time the Government have

the right to make the prices higher or lower, according to what may be the ruling prices in Europe.

His Excellency.—I wonder if it would be possible to give me a written statement of this new arrangement? It is a thing that one cannot express an opinion upon without looking further into it carefully.

President.—To give a written report of these internal matters would be encroaching upon my independence; it would look as if we were under the suzerainty of Her Majesty; I should be willing to do it if your Excellency could prove that the matter is contrary to the Convention.

His Excellency.—How can it be no invasion of the country's independence for the President to tell me in words, and be an invasion of the country's independence if the President puts it on paper? It is for my own information only.

I am much obliged to the President for his explanation; but if he does not like to do what I ask I will think over what has been said to-day, and if any questions arise which I do not understand, I have no doubt he will be willing to explain them to me.

President.—If his Excellency makes a demand of me I might not do it, but if he did not insist upon it I might do the thing voluntarily.

His Excellency.—It is a little difficult to follow the matter unless I have the particulars before me so that I may study them.

Is that all the President has to say about dynamite at present?

President.—I wish to say again that the Government and the Volksraad are busy trying to take the factory over; we are trying to come to terms, but we cannot force them because of the contract.

His Excellency.—Does the President mean the immediate taking over before the Contract has expired.

President.—Yes, I am trying to get them to come to an arrangement.

About the cheapness of the dynamite. All the material from which it is manufactured has been found in the Republic, but it is in the rocks and in the ground, and has to be worked out still, and as it would cost a great deal to get out the materials it would not make dynamite cheaper than it is now.

His Excellency.—Is some of the material still imported?

President.—Yes, some are still imported, sulphur, saltpetre and kieselguhr.

His Excellency.—If the importations were cut off, that is to say, supposing nothing were brought into the country for six months, dynamite could not be made in the country?

President.—Even if the material was not imported there is sufficient in the factory for three years, and as I said before the material can be found in the country, but it would cost more if we had to work it there, and it would make the dynamite dearer.

They demand to have the dynamite cheaper, but if the materials were got in the country it would be dearer. There is sulphur and saltpetre in the country, but it would be difficult to work, and consequently if they were stopped from getting it outside it would raise the price of dynamite. At this moment they tell me they have sulphur and saltpetre to last for over two years.

His Excellency.—I do not think I have anything more to say on the dynamite question at this moment, and any details which I may want I can, I think, find out through the Imperial Secretary privately.

Are there any other matters to which the President would like to refer?

President.—Has Your Excellency no other?

His Excellency.—I have several, but mine are so dependent on what I have already said that I would rather the President brought forward his.

President.—I think differently. When I have heard all Your Excellency's points it might encourage me, and when I see how far I can agree with Your Excellency, I might give in on other points.

His Excellency.—That is to say that the President would like me to go on offering suggestions until I have mentioned all the questions which may possibly arise.

President.—Yes, that is what I think, and then I can mention my points.

His Excellency.—I think the discussion will be of interminable length if we are to proceed in this way, and if we cannot approach one another on the point on which I have made my suggestions, and which lies outside all the pending questions between the two Governments, these other controversies may as well be allowed to go on in the usual course.

If the President to-morrow will give me an answer on the first subject I raised, and

then wishes to bring forward his grievances, I will consider them to-morrow. I do not want to go on with a long list of my own until I understand what is the basis on which I stand in regard to what I consider the most important question of all.

President.—I think it would be as well if we returned in a little while to discuss our points, but I would like to give His Excellency some things to think over.

The first point I would like to mention is my wish that Swaziland should now be handed over to me as a portion of my land. Sir Henry Loch verbally proposed that I should wait for seven years, but I said I would rather leave it an open question; time would show us within the seven years; and so that question was never settled.

Secondly, the demand made with regard to the damages for the Jameson Raid, Mr. Chamberlain said he was against paying the million, but he is not against paying the expenses incurred.

Thirdly, that differences such as those now existing between us, should be settled by arbitration, and then no war or quarrel could arise between us.

The Convention we have made between us we cannot both understand in the same way. The little Coolie Law which we made and which we thought of little importance we also could not understand in the same way. It was the same again with the Swaziland Convention and still we cannot understand each other.

It is better when such differences as these crop up that they should be settled by arbitration.

These are some of the questions I wish His Excellency to think about.

His Excellency.—I take it that these are the questions that principally interest the President?

President.—Yes. There may be some others that have escaped my attention at the moment. I will probably mention the others to-morrow.

His Excellency.—I should like the President to give them to me to-night, then I could think over them.

President.—Sambaansland.

His Excellency.—It is no use raising that question, because Her Majesty's Government have taken a decided attitude from which I do not think they will move. Have you any definite point?

President.—Nothing except that we had old treaties with the kaffirs who pressed to come under us, to which treaties Her Majesty was opposed.

His Excellency.—After Her Majesty's Government have repeatedly declared that they regard that country as their own, it would be useless for the President to discuss the question just as it would be for me to suggest that the President should go back to the Convention of 1881. To raise such questions does no good, and merely causes trouble.

President.—I follow what you mean. You would like to discuss those questions which are still pending, the others are matters settled before your time. But you can still think about the subject.

His Excellency.—I cannot think about it, for the question is settled once for all.

President.—That is why I say it is difficult for me to enter into it; it was settled before your time.

(Adjourned till Friday, at 10 a.m.)

Id.

THIRD DAY.

Meeting of Friday, 2nd June, 1899, at 10 a.m.

President.—I should like to hand in copies of the declarations referred to yesterday.

(Put in.)

His Excellency.—I shall take note of them. I should like first to deal with the three points which the President mentioned yesterday, in the latter part of the afternoon.

President.—Yes, I would like to have these treated first.

His Excellency.—They were—

(1) The Jameson Raid Indemnity.
(2) The question of Swaziland.
(3) The suggestions with reference to arbitration.

With regard to the Jameson Raid Indemity—

President.—I would first like a little further information.

I come back on what His Excellency said at first, namely, that if we come to an understanding on the question of franchise; then I understood His Excellency to say that he would be glad to say to these people I do not want to hear from you, you have the franchise, and you can make your views heard in the country itself. I only say this so as to know that I have correctly understood His Excellency. Now, as to the question of Swaziland becoming a part of my land, and also as to the Jameson Raid, I understood that if we came to some agreement on the franchise Her Majesty's Government then would engage not in any way to concern itself with internal affairs in the Republic any longer, and that in future questions that then may arise, whether out of the Convention or otherwise, Her Majesty would agree to have such questions referred to arbitration.

That is what I meant on the subject of arbitration.

His Excellency.—I don't understand the President quite clearly.

President.—What I want to convey is, that we might now arrive at some understanding about the Swaziland matter and the Jameson Indemnity, and in all new questions that may either arise under the Convention or otherwise, Her Majesty's Government should consent to have all these settled by arbitration. For instance, to name a point:—Some of Her Majesty's subjects might not take advantage of the franchise, and they may allege that they have cause to complain: I should like such questions settled by arbitration.

I hope His Excellency will clearly understand, therefore, what I mean by arbitration.

His Excellency.—I understand in a general way what the President means, but of course the matter is one that has to be followed very carefully, so as to avoid any misunderstanding.

President.—I am only dealing with the broad point.

His Excellency.—The first thing I have to say about that is that the proposition now made to me is in the nature of a bargain,—you give me something, I give you something. The ground on which I approach the question of the Uitlanders' grievances and my proposal as regards the franchise is the existence of grievances, and discontent, which has lasted for years, which shows no signs of diminution, the existence of which is a danger to the Republic, is a danger to the good relations between the President and Her Majesty's Government: and which, on the merits of that question alone, I contend ought to be dealt with. I put forward a suggestion as to one way in which it might be dealt with, and I should be glad to hear before we go any further what the President has to say about that proposal.

It is quite true that I pointed out that if this question could be settled, I mean to say the Uitlander generally, it follows necessarily that causes of difference between us would be enormously reduced, and my desire is to get rid of them altogether.

President.—What you call points of difference with Her Majesty's Government we maintain are not points calling for the interference of Her Majesty's Government under the Convention or otherwise, but it does not seem to help for us to say that they are not when Her Majesty's Government says that they are; but still I am willing to submit these matters to arbitration.

His Excellency.—There are questions that do not admit of arbitration,—they are questions of fairness, justice of particular laws, of the soundness of particular administration on which you could not draw a distinct reference to an arbitrator, as you could on a legal question.

President.—Supposing then we had not agreed about a question, how does His Excellency say a question like that should be decided if we do not refer it to arbitration?

His Excellency.—The President still does not understand me. He thinks, when I speak of the Uitlander question as being a larger question than the franchise, that if we were to get to any agreement about the franchise I should then come with other proposals in his internal affairs. Now I put forward the franchise proposal as my proposal for settling that matter, and therefore I am very anxious to get to a discussion on that proposal of mine. If the President tells me his view about it, we may agree; if we cannot, then I shall begin to feel rather hopeless about the outcome of the whole Conference. But still if a way could be shown me to give the Uitlander population a better position as regards the management of their own affairs without the franchise, then I am prepared to consider it. My proposal is the franchise proposal, because I think that, that being granted, the thing would be on such a basis that the mischiefs which exist, and which arise from the fact that a large and most important section of the community has no direct influence on the legislation and administration, will gradually disappear of themselves. But, of course, I do not contemplate for a moment that if that extension of

the franchise is given, Her Majesty's Government should interfere in constitutional questions in the South African Republic. That is why I press for a large measure of enfranchisement, because if there is only a very trifling change, it will not give the new population a fair chance to make their views heard, they will not have a sufficient position to make themselves felt ; then they will always be crying out outside, and however much I might declare that Her Majesty's Government would not interfere, and even if Her Majesty's Government never said another word about it, you would still have public opinion in South Africa and in England and in Continental countries interested in this land ; but the moment you give these people a really substantial position inside the State, always providing against their swamping the whole population, then they will have less temptation to appeal to outside, and not only Her Majesty's Government, but all fair-minded people will say that they ought not to appeal outside.

President.—But can His Excellency not understand that if I should give in to what he proposes, they get self control, and then I would be practically giving my land away. (Here His Excellency gave further explanation of his meaning, which it was agreed need not be placed on the notes).

President.—His Excellency compares us to America. When America and England made peace, England never interfered there again.

His Excellency.—Quite true.

President.—If it were not that these newcomers are perpetually appealing to outside they would have by this time been burghers amongst us, for that is the principle we started on.

His Excellency.—Surely those people were agitating for years within the State first of all.

President.—Only on account of the support from outside. They were always seeking for help from outside. I want to allay race feeling, and if they had not continually gone outside they would have been incorporated among the burghers. It is the inroad of Rhodes that has caused the difficulty in not giving them rights.

His Excellency.—Really, as an historical fact, the agitation went on for four or five years before it was taken up by Rhodes or any of the capitalists. In fact, the reformers were abusing the capitalists. The people who were seeking reform were fighting the capitalists, and those conspirators (we have it on record) said they did not care about the franchise. There were people who earnestly desired to have the franchise, but their cause was ruined by other people, who turned a legitimate agitation into a conspiracy.

President.—It is so ; the good ones still expect to get the franchise, but it is the other dissatisfied ones that will look to help from the outside.

I have already said yesterday and I repeat, that the proposition made by His Excellency I cannot agree to ; but we are still considering how far we can meet him and come nearer and nearer. I have to consider my Volksraad and my burghers, principally my burghers, and if I have to go back and convince them on matters I must tell them that something has been given in to me, if I give in to something, and both myself and my Commission will use our best endeavours to put it through when we get back.

His Excellency.—Anything we agree to here must be on the basis that the President openly pledges himself to do all in his power to get it if we agree.

President.—Another thing that is in our way, and His Excellency should understand this, is that even in such case, whatever we agree to must be submitted to the people first. We have then agreed that we should go at once and get the consent of the Volksraad, and if we obtain consent, dismiss them to the constituencies and get their view, if possible, and then have another meeting to consider the question—it may be fifteen days after, but as speedily as possible. I am prepared to do that, notwithstanding the law says that matters are to be submitted for a longer time.

His Excellency.—I understand if we agree the President would first urge the matter upon the Volksraad, then the Volksraad should immediately go to the people, and then they should come back at an early date, and then have a final discussion, having seen the people.

President.—Yes ; that is my meaning.

His Excellency.—With regard to what the President said about matters being, according to law, submitted for a longer time, I understand that in cases of urgency matters can be settled more speedily. He contemplates a short time ?

President.—The idea is that, should we come to an agreement, as soon as our Commission get back we should at once put it before the Raad, because the Raad is in session. At least a couple of days will elapse before that happens, because, being a

question of general interest, we have to consult both Volksraads jointly ; in that way all the representatives of the enfranchised burghers have an opportunity of being there. Then no doubt the Volksraad would take a few days to discuss the matter among themselves, so that they could come to a decision and could then talk to the people and give proper explanations. The districts are far and wide, and it might take fifteen days or more before they could come back, and then they would be able to say, on this and on that point we have been commissioned to speak, but we cannot decide until the opinion of the people has been obtained.

I think that I will be able to meet His Excellency in the direction he wishes, if now we can discuss the other points, namely, Swaziland, Jameson Indemnity, and, above all, Arbitration ; and when we can go to the people and say that these points to which we attach importance have been conceded, this point will also have a better chance of being settled at the same time. The most important point is that I must satisfy the people that Her Majesty's Government would not interfere any more with my internal arrangements, and submit questions of difficulty to arbitration. This is the most important point of the four.

His Excellency.—I am very glad to hear what the President said, because although it does not bring us to an understanding, it seems to indicate to me the possibility of an understanding, of which I had began to doubt. Now, I am very anxious to follow a different course of procedure. As I have put forward my proposal first, I want to discuss that proposition to the end until we come to see whether agreement is possible ; because if it turns out, as it may turn out when we look at the details, that the President is not prepared to go to that point which I should consider a minimum, then it is no use considering what we should do in view of a scheme which we do not care about. On the other hand, if the President's plan is something that can be accepted, then I am prepared to consider what can be done on our side to help the matter through. But let us see first of all if the proposal itself is one that, with every desire to meet the President, I can conscientiously approve as being a thing which is likely to achieve the object I have in view.

President.—Our propositions are of equal value. I have already said I am trying, and want to meet you in that direction, but you have not even indicated whether you would be willing to meet us in the direction I have asked. On the four points Your Excellency has not said whether you will meet us in that direction or not.

His Excellency.—I will say what my position is on these points.

One I dealt with yesterday (Sambaansland).

President.—We can leave that alone.

His Excellency.—In regard to Swaziland, I do not think the President really cares much about that at the present moment, and I am very sorry he has introduced it. Only last year we had a very long and difficult negotiation about Swaziland, in which we conceded a good deal to the Government of the South African Republic, and I really don't think the President should, when there are so many things to settle, try and open a thing that has already been settled. We have constantly complained about things that have been done in Swaziland under the existing Convention, like the taking away of the Deeds Registry, and other matters which have caused great inconvenience and expense to British subjects, and within the last few weeks I have had to protest against a Proclamation about the importation of explosives, which I feel most strongly to be an invasion of a British concession there, and there is another question of the same kind just before me, which I have not examined yet—the same kind of protest. I think the very last thing to do is to bring up Swaziland at this moment.

As far as the Jameson Indemnity is concerned, I know that a despatch is on the way to me at this present moment, which forwards a statement from the British South Africa Company examining the details of the claim which has been sent in, and asking that the question of the amount payable in respect of the Raid may be submitted to arbitration. I have received a telegram that that despatch is coming.

The position is this—the British Government have admitted in principle that the Company must pay what is fairly due on account of that raid ; but the question of the amount is still under discussion, and I hope that this proposal will lead to a settlement.

As to the question of Arbitration, which I think is the matter that interests the President most, I am in so far entirely with him that I want if possible to have in future as few questions to discuss with the Government of the South African Republic, as I now have with the Government of the Orange Free State. I feel that the President will need, if he accepts my scheme of franchise, or any other similar proposal, to have some assurance

that there shall not be perpetual controversies between him and England, and that if there are controversies, some regular way of dealing with them should be devised. The President once proposed that some question, or a number of questions, should be submitted to the President of the Swiss Republic. The British Government refused that on the general principle—from which I am sure they will not depart—that they will not have any foreign Government, *or any foreign interference at all*, between them and the South African Republic. But if some other method can be devised of submitting to an impartial tribunal questions that may in future arise between us, and perhaps even some questions which exist at present—but in any case to provide for the future—if such a plan can be devised and suggested to me, I will lay it before Her Majesty's Government and do what I can personally to assist in a satisfactory solution of the matter. The President must understand that I cannot pledge Her Majesty's Government in any way on this subject. The question has taken me by surprise; I didn't come here contemplating a discussion on it, but I must say if it could be satisfactorily arranged while excluding the interference of the foreigner, it would seem to me to open a way out of many difficulties. But all the same, I adhere firmly to my proposal that we should first try and settle on the scheme which the President would accept as regards the matter which I put forward. If we can come to some understanding about that, then let us consider what we can do in the way of ensuring that this Conference shall be a final settlement of questions between the two Governments, and that future difficulties, if they arise, shall settle themselves by an automatic process.

President.—I have said already I wish to meet His Excellency as far as possible in his proposal about the Franchise. I have also asked at the same time about the matter of Swaziland, whether that cannot be managed so that it should become a portion of my land. I have also spoken about the Indemnity, and also about the Arbitration—all being points of difficulty with me. His Excellency has not got any nearer in the matter of Swaziland, or in the matter of the Indemnity, and on the point of Arbitration. But if he will not come nearer to me on these three points, I should get nothing by coming to an agreement on the point of the Franchise. I think all the points should be taken simultaneously.

In regard now to the question of Swaziland, the Concessionaire says that the Proclamation is against the Convention, and we affect his rights, but it is expressly mentioned in the Proclamation that it shall not apply to his concession except in the matter of control over what is being imported. Further, there is the Court there to put matters right. The Government has had several cases there, and has lost. The Court is made to settle questions, and if any one has a complaint they can take it there. Also, in the matter of Arbitration, if they don't like to bring it before the Court, let them bring it before the arbitrators. That makes the difficulty with Her Majesty's Government, because, instead of bringing the matter before the Court, they run away and make a noise in Her Majesty's ears and make a row about it; therefore, I cannot see that there would be anything detrimental in conceding the point. As regards the incorporation of Swaziland, Sir Henry Loch wished to fix the time at seven years, but I was against it, as I preferred to leave the time an open question so as to be able to discuss it before that time. I intend that all the rights that have been given to any one, whether whites or natives, under the Swaziland Convention shall remain in force, only that the country itself should be considered as a portion of the Republic.

His Excellency.—I must say I see no reason to re-consider the question of Swaziland, and I do not feel inclined to do so. However much I may desire to come to a settlement about this question of the position of the Uitlander population, I will not buy such a settlement. I am convinced that it is very much in the President's interest, more in his interest to get it settled. I consider the present position to be an absolute danger for the South African Republic.

President.—On the other hand, I see that the matter of Swaziland is of injury to subjects of Her Majesty as well as to those of the Republic; for instance, the burghers there who want to give their votes have to come out of the country to do so. Again, there is only one Judge there, there is no appeal from him for those people there. If this was a portion of my country, a Circuit Judge would go there, and if they think he is wrong in his judgment, there would be an appeal to the High Court. So there is injury to the people there, and also difficulty and injury to the Government. If they want to meet the people there, as well as burghers, then it should be a portion of my land so that I can regulate it, and they can have an appeal against the judgment of the Court.

His Excellency.—I think it was the idea of the Convention, and a right idea, that Swaziland should have a kind of local government, and though it was governed by the

South African Republic, this government should not be centralised in Pretoria. It is a nuisance and a disadvantage for the people to go to Pretoria to have their affairs settled. We have already gone too far in that direction, and I am not inclined to go further.

President.—All the matters in Swaziland are now in order now that Bunu has been settled. The registry is being revived, and the other matters are also being attended to.

His Excellency.—I am glad to hear this.

I came down here, and my main object was to discuss this Uitlander question, and I have not put forward proposals in my interest any more than in the President's. I decline to accept the basis he proposes that I should buy a just settlement which is as much in his interest as in mine.

On the other hand, I quite agree that it is common interest also that there should be a system of settling future differences between us, that it should not be a perpetual case of "I say this, and you say that," and that nothing should settle it but war—that is common interest too—and on this footing I am willing to consider the question, but not to exchange the two things one for the other: that is a sort of Kaffir bargain.

President.—You can give everything a black colour if you put it in that way. It would seem as if I was giving away the rights of the Burghers to buy the indemnity. Swaziland I always considered would be a matter of time.

His Excellency.—We must discuss the questions separately, and I really must insist on the discussion of my proposal, and see whether agreement on that is possible. What is the objection? The President pressed me to make a proposal, and pushed me into it, and now he wants to hang up the proposal and discuss something else.

President.—I have already said we will see if we can come to agreement, but with His Excellency's actual proposal we cannot agree; but I want to approach so far that we can come to an agreement about it. If I could get an inkling about what are His Excellency's intentions on the four points mentioned yesterday, and especially the question of arbitration, then when I have got so much support out of that so that we might hope to succeed with the Burghers, I can go further and further to meet His Excellency on the question of the franchise. That is why I would like to know something of His Excellency's views on the subject, because otherwise it beats me out of the field altogether.

His Excellency.—I don't think so. I have given the President a clear intimation of my attitude about the questions he has mentioned, and I have said a great deal more about them than he has said as to mine.

President.—I consider I am beaten out of the field. The Swaziland point has only been touched, the indemnity matter is still on the water, and on the other point His Excellency has not said anything I can take hold of.

His Excellency.—I think it would be as well to adjourn.

I entered on the earlier part of the discussion in a hopeful spirit, but I cannot say I am as hopeful at the end. I hope the President will meet me on the point which I consider of vital importance to him, and seriously grapple with this question first which I proposed first.

I have come down here at a time of crisis in order to see if one big straightforward effort might not be made to avert a great disaster, such as an open breach between the two Governments, and I claim that a proposal I have made to that effect should be discussed on its merits. If agreement is not possible on that point, then everything else is waste of time; if it is possible, then I will do everything in my power to remove other difficulties out of the way, and I will be engaged in that work while the President is engaged in obtaining the approval of his burghers to the plan on which we both agree—if we agree.

We cannot go on for ever and meet again and again, and never bring things to a point.

When we come back I must ask the President whether he is willing to go into the question which I have propounded.

President.—Possibly yes and possibly no; but I will consider and tell His Excellency this afternoon at two o'clock. If His Excellency doesn't want to go into any point but the franchise it will not be my fault if we do not agree.

His Excellency.—I am not asking the President's adoption of my proposal, but for the expression of his opinion, and to go on with that subject until we have settled it one way or the other, because if that doesn't succeed nothing else is of any use.

Adjourned 11.40 a.m.

I*e*.

THIRD DAY.

Meeting of Friday, 2nd June, 1899, afternoon meeting.

President.—I must tell His Excellency that I have drawn up a memorandum on the franchise.

(Put in and read in English and Dutch, *v.* annexure.)

His Excellency.—This will be carefully looked at. Of course the plan which it embodies differs absolutely from my plan in that it does not provide for an immediate or even an early enfranchisement of people who may have been in the Republic for many years, and that it makes no provision for an increase in the number of seats in the Volksraad. That, however, I take it is not a matter of supreme importance under this plan, as I think that the number of people coming in under this scheme is likely to be a very inconsiderable one. I should like to take the proposal with me in order to look it over at leisure, but I do not foresee any likelihood of its providing that settlement which I hope for, and I should therefore invite the President when we meet again, if I find that on looking at it carefully my first impression is realised, to consider whether there is any other way, apart from the franchise, of giving the districts in which the foreign population principally reside, some power of managing their own affairs; because I foresee that in the period which will elapse before this franchise proposal produces any appreciable effect upon the tone of the legislation and administration the conflict between the old and the new population is likely to become more severe, and I cannot hold myself responsible for recommending a solution of this kind.

I think it fair to say that at once, because I can see at a glance the complete separation between a scheme of this kind, and the sort of scheme I had in my mind. But as I say, I cannot absolutely dispose of it without further reflection.

President.—I do not understand what your Excellency means about consideration of it.

His Excellency.—Until to-morrow morning. Probably we might conclude our labours to-morrow.

President.—I would regard the last point to which His Excellency refers—that they should have the ruling of themselves—as virtually giving up my land to them.

His Excellency.—Not in any form?

President.—That is where I am afraid we have a difference. How can it be possible that if another rules in my land I have not given up my land to him.

His Excellency.—It depends upon the nature and the scope of the powers that have been delegated to them.

President.—Of course it would depend, but it may mean that they have to get full authority, because I am already here giving them so very much.

His Excellency.—I am afraid we are being misled by words, because "zelfbestuur" was used in the Convention of 1881, and meant complete self government, making of laws and things of that kind. I meant rather powers of government such as were proposed by the Secretary of State in his despatch of February 1896, when he suggested an extended municipality for the whole district, control of sanitation and public order, and power of raising rates for local purposes, but not to make laws or to impose general taxation.

President.—They already have regulations to that effect, except that we have a check so that they shall not make taxation too heavy and unduly oppress the poor.

His Excellency.—There might be some control over the rate-levying power, but the municipality that at present exists is on a basis of half burghers and half foreigners.

President.—The one half naturalised burghers, and the other half no burghers at all.

His Excellency.—And yet the non-burghers are in a great majority of the population.

President.—I must look to that because of the first inrush of a greater number who are not burghers; if I gave it away in the way suggested, I would be giving away my land. You must admit that it would be as unfair as if I had a rich farm and lots of water, and I said to others "Come and help work my farm for me, and you must give me a little of what you win on this farm" and when they have got rich on my farm they said "Give me the title deeds of that farm." They actually have more rights than I have myself, because the Gold Fields form the richest part of my land. Instead of being thankful for what they get there, they now begin to want the title deeds, and because they are more numerous they would like to have my farm.

His Excellency.—The President seems to regard the country as a whole, as he would regard private property of an individual, and new comers are allowed in as tenants, but they must not become part and parcel of the State.

President.—It seems plain enough to me. There is a farm, I ask him to come and work and get rich ; he comes and is rich, and now he wants the title-deeds of the farm.

Even the strangers who are there now complain that the existing Town Council lays too great burdens upon them, but it is useless to speak further about it as His Excellency wishes first to consider my proposal. It is no use speaking about self government, for the people would be absolutely against it.

His Excellency.—I believe there was a proposal made by the Industrial Commission to give a limited amount of control to a body on which the mining community were to be represented.

President.—Only about matters in connection with Passes, the Liquor Question, and Gold Thefts ; but the Volksraad would not agree to that, and have regulated these matters in another way by appointing more police. Since then the thefts have diminished, and scarcely any complaints are now heard.

His Excellency.—This plan was strongly supported by the Chamber of Mines and the Chamber of Commerce.

Mr. Burger.—Might I be allowed to remind the President what composed that Board ?

Four Government nominees, and the Chairmen of the Chamber of Mines, Chamber of Commerce, and Association of Mines.

His Excellency.—That was rejected by the Volksraad ?

President.—It was not altogether rejected ; it was modified, as the Raad appointed persons to look into the matters.

His Excellency.—There was no representative element in the Board to look after gold thefts ? I understand from you that there is a body which has been appointed to attend to one of these functions.

Mr. Burger.—There are persons appointed, not a body.

His Excellency.—I propose to take till to-morrow morning to look more fully at this, and I think I will put in a memorandum with reference to it.

If

Fourth Day.

Meeting of Saturday, 3rd June, 1899, at 11 a.m.

President.—It escaped my memory yesterday to say that I will put the proposal for the creation of new electoral divisions before the Volksraad when I get back. It was not mentioned in my memorandum yesterday as it has just occurred to me.

His Excellency.—Of course that is a very important point.

President.—I am prepared to submit it to the Volksraad, but I do not know whether they will follow me ; I hope they will do so.

His Excellency.—The proposal which the President put in yesterday I naturally regarded as his complete proposal, and I have written a memorandum in answer thereto on that basis, but perhaps the best thing would be for the President to tell me now, if he is prepared to tell me, what kind of proposal he has in his mind.

President.—To make more electoral divisions, that is my intention. Johannesberg lies in the Heidelburg district, the gold fields are spread over the whole district. It is at present divided in two, and I thought of making four divisions there ; and if the Volksraad would not care to increase the electoral divisions, we might arrive at something by increasing the number of members in the divisions.

His Excellency.—From my point of view this question of the number of electoral divisions is one of the vital points. I had before me yesterday a proposal which was very carefully framed in full detail, and I think if this suggestion which the President throws out now is to be regarded as part of that proposal it should be laid before me in the same manner as that proposal.

President.—It was only when thinking over these matters afterwards that this point occurred to me ; it had remained in abeyance.

His Excellency.—It would have to be put forward in the same manner and in the same definite way as the other proposals yesterday.

I feel that this matter is one of such great importance that I do not want to forego the discussion if there is the least hope of coming to an agreement. I have very great objections to the proposal such as was put before me yesterday, which I have put into formal shape.

I think it would be better for me to put in the memorandum I wrote on the proposal that was put before me yesterday. If, after considering that memorandum the President is prepared to make another proposal including the things which he omitted yesterday, or otherwise altering his original scheme, I should be prepared to consider it.

President.—I cannot make other proposals. I might modify some points and fill in this point which has been omitted.

His Excellency says with him it is an important matter; with me it is of far greater importance. If I were to go further I should be giving my land away. Of course I am not speaking of small points on which His Excellency might wish to call my attention and give me friendly hints and advice.

His Excellency.—I have not gone into points of detail because I feel that the difference on the main points is still so wide that the discussion of minor points would be a loss of time. But, of course, one of the great points upon which the difference existed was precisely the omission of any reference to the creation of new constituencies.

I think the only proper way to proceed is for me to put in my answer to the proposal of yesterday; then the President will see whether it is worth while for him to put in another memorandum embodying in it proposals somewhat on the lines indicated in my memorandum. I leave it to him to decide whether after reading my memorandum he will answer the proposals I have put forward in it.

(His Excellency's Memorandum put in. Annexure read and translated.)

President.—I would like His Excellency to know exactly what I think. His Excellency is really not sufficiently acquainted with the facts of the case, or he would not make proposals like this.

I will receive it and think over it and come back at 3 o'clock with my answer.

One point which I think His Excellency is not acquainted with is this, that I have put all the interests of the strangers into the Second Volksraad. I do not want to have any discussion on it; I only say that is the point. They can vote for the Second Raad after two years and after naturalization, while after two years more they can themselves be elected to that body. Moreover, it is wholly against God's Word to let strangers carry on the administration, seeing that they cannot serve two masters at the same time.

His Excellency.—My proposal absolutely gets over the difficulty about their being strangers.

The whole basis of my negotiations is that they must be citizens of one State or the other. The President must recognise my difficulty. It is an extremely difficult thing for me to propose that the people whose interests I am defending should give up the citizenship which they at present have and to which they are sincerely attached. They will not do it readily, but I am sure that this is the only solution; and if I am to recommend this great sacrifice to them, then I must be able to point out to them that they are going to obtain something really valuable in return.

What I say is this, these people are complaining about the way in which the Government fails to regard their interests; they are always complaining, and they very often call on the British Government to help their position in one respect or in another. Well, my objection to that state of things is this—I sympathise, and the British Government sympathises, with many of the complaints they make; but our difficulty is this: We say, if we have to take up their individual grievances, two things will happen—one is, we should be perpetually dealing with internal questions in the South African Republic, which is most objectionable, and the other thing is that such representations as we may make will not really help them; they will only annoy the Government of the South African Republic, and they will not be productive of really substantial results for the benefit of the people. Therefore, with reluctance I have come to the conclusion that the best way to enable these people to have their reasonable desires attended to, is to urge upon them to take up the citizenship of the State in which they are living, that is to say, those of them who desire to live there, and to have their families there, and bring up their children there, and to make it their permanent place of residence. Of course, there are thousands of people who only want to stay in the State for a few years, and go away again; their position is different. I am thinking now only of people who want to make the country their home.

For those British subjects who want to make that country their home, I say it is the best thing to go in heartily as burghers of the Republic; but then, if they are to resign their British citizenship, let them be really equal citizens of their new State. I could not reasonably urge them as a body to give up the one thing without getting the other, and this is my objection to this particular scheme. It is hedged in with so many difficulties, and delays the attainment of any substantial reform or any substantial influence to the new citizens for so long, that I feel it will not meet the desires of the people whom it is my object to benefit, and whose interests in the State are so large.

President.—Tell His Excellency I say he misunderstands the case, and from a very trifling thing he makes a very big thing, owing to the people's talk. I say that by taking the oath of naturalisation, whereby they become entitled to elect Members for the Second Raad, they become lawful burghers, and at that moment they get more than they get in their own country. In their own country they cannot, within such a short period, choose ministers, magistrates, or similar officials; but they do this with me, and are they not to be regarded as full burghers because they cannot yet elect certain officials? The only difference is that they cannot yet exercise the full franchise. In England, for instance, the Irish also have not their own administration.

His Excellency.—Yes. They have.

President.—When?

His Excellency.—The Irish have always sent a full number of representatives to the Imperial Parliament, even in excess of what was due to them on a basis of population.

If we were to apply the Irish principle to the South African Republic the Rand would send about fifty members to the First Volksraad.

President.—You must remember that in England there are millions of burghers, and the number of burghers in the South African Republic is very small in comparison; that makes the difference. I do not say whether it is as it should be or not: every country has its own institutions. Therefore, I say that when a stranger after two years' residence in the Republic and taking the oath becomes a full burgher, though he has not yet the full franchise, he already has the right, *e.g.*, to vote for the Second Raad, and so can make his voice heard in more matters than in the country from which he came.

If His Excellency would only see that difficulty and bear in mind how small our number of burghers is.

They paid for that country by their blood, and they would be outvoted if your proposal was accepted.

His Excellency.—They would not be outvoted by my plan.

President.—I know they will be outvoted; they work with money which they use freely, and we would be outvoted. But I do not want to go further into that matter. I have already said I will take it into consideration according to the hints given by His Excellency, and I am prepared to submit it to the Volksraad to get them to grant more members as suggested by His Excellency.

We would like to take this and consider it, and I hope at 3 o'clock to give our reply upon it. I hope then that it will be made so clear to Your Excellency, as a sensible man, that you will be able to lay it before your Government and agree with it.

His Excellency.—I understand the President's difficulties, but I cannot get him to understand the feelings of the people on the other side.

President.—Of course, they are always pursuing something; they are like naughty children, if you give them a finger they will want the whole hand, then an arm, then a head, and then they want the whole body bit by bit. After I have given them the arm, they still go and try to get the same rights as my burghers in a short time. His Excellency must remember they are not only in Johannesburg; there are everywhere in the districts those who would become voters and help to choose the members for the Volksraad. From the day that he votes for the Second Volksraad a very short time elapses before he can sit there himself, and from the time he has taken the oath he is a burgher, and has nothing more to do with the country to which he belonged.

We would like time to consider your proposal.

His Excellency.—In your plan, what would be the position of the newly admitted burgher with regard to Presidential elections; I am speaking of the man who comes in for the first time now?

President.—He must be registered, and after two years he is naturalised; then he can vote for the Second Volksraad, and after two years more he could be chosen himself.

His Excellency.—And after seven years altogether from the beginning he could vote for the First Volksraad according to the proposal ?

President.—Yes. After seven years altogether he could vote for the First Volksraad.

His Excellency.—Can he vote for the President then, if he votes for the First Volksraad ?

President.—If he votes for the First Volksraad he can vote for everything.

When the law of 1890 was passed, there was already a good proportion of new comers here, and we have now agreed to say that it would be nothing more than right to shorten the time for them.

His Excellency.—I noticed that, and in my memorandum I pointed out, and dwelt upon it, that it was a good feature in this scheme that special consideration was given to these people.

President.—I must point out that those who came in under the law of 1890 must have known what that law was, because, as the Grondwet says, those who come in are welcome, but they must come in subject to the laws, and therefore when they come in they should not make a noise.

His Excellency.—The President is speaking of people who came in after 1890 ?

President.—Yes.

(Adjourned till 9.30 a.m. on Monday, 5th June.)

I*g*.

FIFTH DAY.

Meeting of Monday, 5th June, 1899, morning sitting.

His Excellency.—I think the document which we received yesterday, and which was a Memorandum from His Honour, ought to be put in the Minutes.

(Note put in, and read in Dutch and English, *v.* annexure.)

His Excellency.—I think the best plan would be for me to read my Memorandum, you (to the interpreter) translating it as I go along, then it can be put in and an approved translation made. It was perfectly impossible to get one done in time.

(His Excellency's Memorandum read and translated, *v.* annexure.)

President.—His Excellency must understand in connection with all I have proposed that I am not ready to hand over my country to strangers.

There is nothing else now to be done.

I have not understood from the reasons given by His Excellency in the Memorandum that he has altered his points, but that everything has been rejected.

However, we will look over the Memorandum and give a reply later on.

His Excellency.—I can make no further proposal. Has His Honour any idea when the answer will be obtainable ? What I mean, is, can we fix an hour to meet again ?

President.—We will work as hard at it as we can.

I regret that our friendly conference here together should result in nothing.

I understand from His Excellency's arguments that if I do not really give the whole management of my land and government to the strangers there is nothing to be done.

I will try and get an answer ready by three o'clock.

His Excellency.—I also regret that our discussion should result in no agreement on the subject, but I must protest against His Honour's repeated assertion that my proposals amount to his giving over his land to strangers. It is not my intention, nor is such a result likely to be produced by anything I have suggested.

I suppose the time will come when the various proposals made at this Conference will be before the world, and then I leave to impartial judges to say whether it can be truly said that I proposed anything of the kind.

President.—If His Excellency wishes me to take advice from someone who has nothing to do with the Government of the State, who then governs ?

His Excellency.—Why not have an advising council, to be made up of those who are not burghers of the State, but who represent the interests of the Uitlander community ?

President.—How can strangers rule my State ? How is it possible ?

His Excellency.—My plan doesn't affect the government of the State. There are certain conditions and interests which affect the new population alone, upon which they

could give advice to the Government. That is the very reason why more influence of the strangers in the counsels of the State seems to be required, provided they are willing to undertake the burdens of citizenship, and that moderate concessions should be obtained or the management of their own things which don't affect the government of the country.

However, I won't pursue the discussion now, and I would only ask His Honour whether, if he thinks that no agreement on this subject is possible, it is desirable to continue the Conference. He could put in his memorandum in writing and could communicate it to me at his convenience, but I am quite prepared to meet again if His Honour thinks it desirable.

President.—I can only say this in reply that I hope your Excellency will give due weight to the interests of the Republic in making your report. I would like to continue the discussion, but I think your Excellency only argues on the one thing. If there were anything like concessions on Your Excellency's part I would even take two or three days more to discuss. As things stand now, I don't see how we can agree, but I will give my answer at 3 o'clock.

His Excellency.—So let it be. The President will send me a reply at his convenience, and we will then consider whether it is any use discussing any more.

President.—There are still some declarations that I would like to hand to His Excellency, and His Excellency will be able to see the large extent of deceit contained in the memorial to Her Majesty.

His Excellency.—I want to mention one matter only in case we should not meet again, that if His Honour and I differ on Conference subjects, we should at any rate agree on one thing, and that is that we are extremely indebted to Mr. Fischer for the services he has rendered on this occasion by acting as interpreter. I should like to say that I don't think there is any man in the world who could have done it better or with more devotion.

Mr. Burger.—I wish to say that as we opened the Conference personally, even if we present no document, it might be as well to meet and close the Conference personally, whatever the result.

His Excellency.—I am not assuming that the Conference will not go on; what I meant by my remark was, that such a contingency was possible. I quite agree with Mr. Burger's remarks, and I am quite agreeable to meet again. In that case, can we fix an hour, even a later hour?

President.—If my answer is not ready by 3 o'clock I will give His Excellency timely notice.

His Excellency.—I understand then that if we do not hear from the President we will go to the Conference at 3 o'clock.

President.—Yes.

Ih.

FIFTH DAY.

Meeting of Monday, 5th June, 1899, at 3 p.m.

President.—This is my answer to His Excellency's memorandum.

(Answer put in and read and translated, *v.* Annexure.)

His Excellency.—The substantial effect of that answer is, that His Honour and I are unable to agree on the subject which has formed the principal topic of discussion between us. I think we cannot carry matters any further at this Conference, nor do I think it would be any advantage for me to suggest another adjournment in order that I may hand in a further memorandum in reply to that that has just been read.

A full answer to it would require time for consideration, but according to my view of the case, the effect of what has happened is, that we are in the *statu quo ante* this meeting.

His Honour says that he may perhaps be disposed to put proposals before the Volksraad to carry out his scheme of enfranchisement. I certainly do not wish in any way to discourage him, but he would do it of course of his own motion, and not as a part of any understanding or arrangement with Her Majesty's Government.

In the same way, if he desires to make any proposal about arbitration, that proposal will be considered on its merits, but not as any part of the present negotiations.

This Conference is absolutely at an end, and there is no obligation on either side arising out of it.

I have only one word to say about arbitration and that is this. The matter has been mentioned during this Conference along with other matters, but there is no definite proposal with regard to the method of arbitration before me at the present moment. I have already stated that there are subjects with regard to which Her Majesty's Government clearly cannot arbitrate; there is, again, a certain method of arbitration—I mean by means of a foreign Government, which Her Majesty's Government would never permit. At the same time there is a class of question about which Her Majesty's Government might agree to arbitrate if a suitable method could be found, and if a proposal on that subject is submitted at any time, it can be considered independently of any of the proceedings of this Conference.

As I pointed out to the President the other day, it is not a question which I am authorised to discuss, and all I can say about it is that any definite proposition which he may at any time make, will be submitted to the consideration of Her Majesty's Government.

If there is no further matter that the President wishes to refer to, I have nothing more which I think it would be profitable to say.

President.—I will lay the matter before the Volksraad, and as soon as I hear from Her Majesty's Government about arbitration——

His Excellency.—I have nothing to propose to Her Majesty's Government on this point,—I have nothing before me. A general opinion on the subject has been expressed during the proceedings which is recorded in the Minutes of the Conference and will be made known. But I do not regard anything that has passed here as a proposal made to Her Majesty's Government which requires an answer.

President.—I shall be prepared to make a definite proposal later on and send it.

As soon as I get back I will lay arbitration proposals before the Volksraad.

His Excellency.—It is entirely a question within the President's own discretion, but he is linking two questions together which in my mind are in no way linked together.

President.—Yes; I know His Excellency says that for him they are not bound together; but in my mind they do belong together.

It was decided that the Memoranda put in at the Conference should be published, and both sides agreed that such publication should not take place earlier than Wednesday morning the 7th June, 1899.

The President said he was very pleased at the friendly way in which the Conference had been carried on, and hoped that in future they would be better able to understand each other, and that matters now in dispute would come right.

His Excellency said he was glad to make the acquaintance of the President for the first time, and thanked him for his personal courtesy during the time the Conference had lasted.

After an expression of thanks by His Honour the President to Mr. Fischer for his impartial and clear interpretation, the Conference closed.

II. *a.*

Copy of Counter Petition and Declaration. (Put in by the President of the South African Republic at the morning sitting of the 1st June.)

To His Honour the State President and Honourable Members of the Executive Council of the South African Republic.

Honourable Gentlemen,

Your petitioners beg to submit the following facts for your consideration.

That they are all "Uitlanders," British, American, German, French, and subjects of other nationalities.

That we have been informed that a very large petition, signed by 21,000 individuals, has been sent to Her Gracious Majesty the Queen of England, and which we know nothing about and that it is alleged in the said petition that the Honourable Government of the South African Republic gives no protection to life or property, and that their lives and property are in jeopardy, which we herewith most emphatically deny.

That the said petition further states that the general administration is so bad and detrimental for them and for the country, which we also deny.

That your petitioners have gathered from very reliable sources that the petition to Her Majesty the Queen of England has been caused by the Capitalists, not by the public,

and that if the Capitalists attain their object, that it would be detrimental to the whole public, including the " Uitlanders."

That your petitioners wish to give Your Honours the fullest assurance that they are perfectly satisfied with the Government of this State, and with the administration thereof, and that we wish to have no other Government. We do not say that this Government is without its faults, but we know and trust that if any grievance did exist that the same could be removed between us and the Government without the interference of any foreign Power, and without the advice of Capitalists.

Wherefore your petitioners humbly pray that Your Honours will send copies of this petition to the different Governments to which we belong, respectively to the English, American, German, French, and Netherlands Governments, and we hope that by doing so all misunderstanding and false reports or rumours and alleged grievances may be lost sight of for all time to come.

By doing which, &c.,

To His Honour the State President, South African Republic.

Your Honour,

We, the undersigned Uitlanders, inhabitants of the Witwatersrand, respectfully wish to approach Your Honour with the following representations, viz.:

1. That a certain memorial, ostensibly signed by 21,000 British subjects, resident here, was recently sent to Her Majesty's Agent at Pretoria, for transmission to Her Britannic Majesty.

2. That we knew nothing about this memorial until its publication, which took place after it had been forwarded.

3. That we disagree with the sentiments and opinions expressed in the memorial because we know that life and property are as safe and secure in the South African Republic as in any part of the civilized world.

4. That we wish to declare emphatically, that we are most anxious to further the well-being of the people of this Republic: Boer, Africander, and Uitlander alike, irrespective of nationality; and we are convinced that the greatest enemies to continued peace and prosperity in this State are those who attempt to dictate from Europe through their paid nominees here, on matters to the welfare of the resident community and the internal administration of the Government, an interference which has the effect of fomenting discord and creating unrest, to the detriment of the progress, commerce and general advantage of the people.

5. That we are glad to believe that Your Honour will employ your powerful influence with the Raad towards modifying the residential qualifications essential to enfranchisement, and that Your Honour will advise the Raad to initiate other measures tending towards strengthening the foundations of the State and benefitting its cosmopolitan people.

6. That we can assure Your Honour that we are ready to render such assistance as will tend to nullify any attempts to propagate distrust and racial ill-feeling.

7. That we are pleased to dwell amicably here and to pursue our Associations [? avocations] under the protection of the Government of this State, looking hopefully to Your Honour to remove, with the assistance of the Raad, those small differences which still exist.

TRANSLATION.

We the undersigned declare under oath that we have obtained names for signature to the Memorials presented to the Government of the South African Republic contradicting the petition addressed to the British Government by inhabitants of Johannesburg, on which 21,000 signatures are alleged to be contained, and we declare that the before-mentioned signatures were obtained by us in a bona fide manner.

Pretoria, 27th May, 1899. (Signed) H. M. DU PREEZ.
J. MEETS.
D. J. GRAAFF.
O. G. OLIVIER.

Sworn before me,

(Signed) L. J. JACOBS, J.P.

this 27th May, 1899, at Pretoria, South African Republic.

II. (*b.*)

Copies of translations of Declarations respecting the Petition to Her Majesty.

(Put in by the President of the South African Republic at the morning sitting of the 2nd June.)

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, First Public Prosecutor and Justice of the Peace, Johannesburg, on this the 20th day of May, 1899, James Sidey, who makes oath and states :—

I reside at 99, De Villiers Street, Johannesburg. On Monday the 15th May, 1899, in the afternoon, I received from Mr. T. R. Dodd, Secretary of the "South African League," a petition to Her Majesty, the Queen of England, which petition I have copied, and copy whereof I attach hereto marked "A." I received this petition in order to go round and obtain signatures, after an agreement had been made with me to do the work for 5*s.* per day. I had a card of introduction from the chief reporter of the "Transvaal Leader," and on that I obtained the petition. I at the same time received attached letter, dated 15th May, 1899, signed by W. Wybergh, President, and T. R. Dodd, Secretary, of the South African League, marked "B." I received my instructions from both Messrs. Wybergh and Dodd, and they were as follows :—

I must try my utmost to get as many signatures as possible from all persons, *male* or *female*, above sixteen (16) years of age. It did not matter in the least to what *nationality* they belonged.

I took this petition round from that time and succeeded in obtaining 54 signatures of men and women above 16 years of age. Some women signed on my petition with "Mrs." in front, as, for instance, Mrs. J. Taylor, Mrs. Isaacs, Mrs. Hall, Mrs. Andrews, &c. Others, on the contrary, did not sign in that manner, but only the initials with the surname. After I had carried the petition round for some time I brought it back to Mr. T. R. Dodd. The latter then saw that several women had signed with "Mrs." in front, and said that I certainly had to obtain women's names, but not with the "Mrs." in front, as he would now have to cross through all these. He ordered me expressly to see that the women should sign only their initials and surnames, without the addition of "Mrs." or "Miss" to show the sex.

Some persons to whom I brought the petition stated that they had already signed about half-a-dozen similar petitions.

The signatures of J. T. Soutter and W. Soutter appear on my petition. Both signatures were signed by J. T. Soutter, who also signed for his sister.

I obtained a large number of these signatures from employés at the "Star" office.

(Signed) J. SIDEY.

Sworn before me,

(Signed) M. SMUTS DE VILLIERS,
1st Pub. Pros. and J.P.

Johannesburg, 15th May, 1899,

This is to certify that Mr. James Sidey is hereby authorised to canvass for signatures to the accompanying Petition (No. 97) to Her Majesty.

(Signed) W. WYBERGH,
President, South African League, Transvaal Branch.

T. R. Dodd,
Hon. Secretary.

TRANSLATION.

Appeared before me, J. P., at Johannesburg, George Joh. Couper, who makes Oath and states :—I reside at Johannesburg, and remember the petition to Her Majesty the Queen of England respecting grievances of the Uitlanders which is supposed to be signed by about 21,000 British subjects. One day, some time ago, I was in the market building, and I saw there a copy of this petition. I was asked to sign this petition, and I signed because I could thereby do the canvasser a pleasure, but I regarded the whole petition simply as a ridiculous thing. I had no "grievances" at least. I saw another person who also signed the petition. He signed not only his name, but I swear positively that he signed at least between six and eight false names on the petition to Her Majesty the British Queen. I saw the canvasser on different days in the same

market building. Every day he said (I met him in the morning), "Come on, Captain, sign your name." I answered to the effect, "I have already signed." The canvasser replied, "It does not matter, sign and give a poor man a chance." My opinion is that the canvasser would have taken any signatures, whether signed previously or not, just in order to get as many signatures as possible; it was a question of money for the canvasser, My opinion respecting the 21,000 signatures is that it is solely a farce, because I believe that very many signatures are false.

I have been a Captain in Her Majesty the British Queen's regular forces in the Cape Colony, and a former Inspector of Basutoland Mounted Rifles.

(Signed) GEOG. COUPER,
Capt.

Sworn before me on the 19th May, 1899.

(Signed) J. A. FOURIE,

I promise that this declaration will not, through me, appear in the Court or in the newspaper.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P. and First Public Prosecutor at Johannesburg, on this the 23rd day of May, 1899, Bartholemus Jacobus de Jong, who makes oath and states:—

About a month before it was known and published that a petition from so-called Uitlanders, to the number of 21,000, had been sent to Her Majesty the Queen of England and Ireland, on a certain day I came into the bar of Horne's Langlaagte Hotel. When I entered, a certain Joe Venner had a petition to Her Majesty the Queen on the subject of the "Edgar affair" and so-called other Uitlander grievances, before him. He was busy writing names on it. I asked him what he was doing. He said, "I am signing names here to the petition; it is a good day's work, for I receive a bottle of beer or stout for each name that I sign to the petition." He continued writing, amidst the laughter and talking of those present. From the time that I entered he wrote at least six to seven names on the petition, but he was already busy writing when I entered. The person who took round the petition, viz., the canvasser, was amongst those present.

After Venner had finished writing, I asked him what kind of a petition he really had furnished with so many names. He said, "I do not care a damn what it is." I then saw that Venner received the beer and stout, some of which was drunk in the bar, and some of which he took with him. The person who took round the petition (viz., the canvasser) paid for the beer and stout. He is unknown to me; I believe I shall recognize him if I see him again. The manager of Horne's Hotel, a certain Nugent, was present, and must also have seen all this. Nugent also served Venner with the beer and stout.

After Venner had finished writing he returned the petition to the canvasser, and they then left.

(Signed) B. J. DE JONG.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace and First Public Prosecutor.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P., at Langlaagte Hotel, Langlaagte, on this 23rd May, 1899, Mortimer Nugent, who makes oath and states:—

I live at Langlaagte Hotel, which place I manage for Mr. Horne. About a month—exact date I do not know—before it was known and published that a petition containing 21,000 signatures had been sent to Her Majesty the Queen of England and Ireland, a certain person, unknown to me, came into the bar. He had a large petition with him, a petition to Her Majesty the Queen about the "Edgar affair" and other matters. He asked me to sign the petition. I refused, as I was satisfied with things as they exist in the South African Republic. There were also others in the bar. Amongst others also a certain Joe Venner. The man who held or carried the petition then asked Venner to sign the petition. Venner consented, placed the petition in front of him and began writing. The man with the petition (the canvasser) then said "Just sign more names," and

promised him a bottle of stout for every signature. He also asked Venner to alter his signatures as much as possible each time, and that the more names he signed the better it was for him (the canvasser). Joe Venner then wrote down six or more names, but not once his own. He then said he could not alter his handwriting any more. He then handed the petition back to the canvasser. He (Joe Venner) then received his bottle of stout and took it away with him. I myself served him with the stout. I saw personally that these names were written by Venner. It was possible that more people had signed names thereon. Some of the stout was also drunk in the bar. The canvasser paid for the stout.

(Signed) M. NUGENT.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace, First Public Prosecutor.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, First Public Prosecutor and Justice of the Peace, Johannesburg, on this the 2nd May, 1899, Frans Edward Richard Schimmelbusch, who makes oath, and states:—

I reside at No. 4, Critic Buildings, Johannesburg. I am a German, and have been in England, the Colony, the Free State, and Transvaal. I know a certain A. A. Bankier. About a week before the petition from alleged British subjects was sent from Johannesburg to Her Majesty the Queen of England, I came into a room of the Critic Buildings, and met there a certain A. A. Bankier. The latter had several sheets of paper in his hand for signing, and asked me to sign them. I asked him what it was. He said it was a petition to the Queen. I said I am no British subject. He said "Never mind," "Just sign." I asked him to show me the petition. He said he had not it. I saw that the sheets had perforated numbers. I refused to sign, saying that I did not know if I was signing my death sentence or not. He then sat down and began writing names, "signatures," on the petition. He wrote down about ten or twelve names, "signatures." Reagan was also there near at hand. Said A. A. Bankier asked me also to write down signatures, as he thought that I would be able to do it well as I am a designer. I then left.

This declaration has been read over to me.

(Signed) F. E. R. SCHIMMELBUSCH.

My usual signature is—

(Signed) EDW. SCHIMMELBUSCH.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace, First Public Prosecutor.

Witness—
(Signed) J. Roedeman.

TRANSLATION.

Appeared before me, Justice of the Peace, at Johannesburg, South African Republic, on this the 24th April, 1899, Thomas Bernard Reagan, who makes oath and states:—

I reside at 33, Critic Buildings, Johannesburg, and I am an American subject. Some time ago, before it was known that a petition had gone from Johannesburg to Her Majesty the Queen purporting to contain 21,000 signatures, a certain Alexander A. Bankier came to me with certain sheets of paper, at the head of which were perforated numbers and asked me if I would not sign his petition. I asked him for the petition and he said that he had not the petition with him, but that the petition was for the purpose of calling in British intervention in Transvaal affairs. I would not sign. He remained there and went to one Schimmelbusch and asked him to sign. I heard them talking and Schimmelbusch saying, *inter alia*, "How do I know that I am not signing my death warrant?" or words to that effect. I was inquisitive, and I gave this matter my attention. I saw Bankier go and sit at a table busy writing. He then got up and brought sheets of paper with perforated numbers to me, and which he had had in front of him on the table previously.

He then showed me the papers again, and there were then 10 to 15 names written on them, while there was nothing on them when I saw them first. When he showed me that he asked, "How's that?" I looked at the paper for a long time, and I said "That is well done." I do not remember the names on the paper. I swear positively that it was impossible for him to obtain those 10 to 15 names between the time that I saw the paper first and the time that I saw it for the second time, and I am convinced that all those names are not genuine.

(Signed) T. B. REAGAN.

Sworn before me,

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace and First Public Prosecutor.

IIc.

Declarations referred to by the President of the South African Republic, at the morning sitting of the 5th June. (Received from the State Attorney, 12th June.)

Copy.

I hereby swear and declare that on a certain day in the month of February, 1899, the exact date of which I do not remember, a person who was canvassing for signatures to a certain petition, which was intended to be forwarded to Pretoria, praying the Government of the South African Republic to expropriate the railways, cancel the dynamite contract, and to establish a better administration for the prevention of crime, persuaded me to attach my signature, on his word of honour that it was nothing more and nothing less than described above. I signed my name to what I now learn to be a petition, which had its object from the commencement to obtain the intervention from foreign power in local affairs. I protest against it inasmuch as my own signature is concerned. My signature was obtained on the lying misrepresentation of the canvasser. I may further add that I have expressly asked the canvasser to show me the copy of the petition so as to be thoroughly acquainted with its contents, but in spite of that the canvasser declined on the grounds that none of the canvassers were in exact accordance with his verbal summary.*

Johannesburg, 10th April, 1899.

(Signed) A. A. HELLERN.

Sworn to me, 21st April, 1899.

(Signed) H. S. LOMBARD, J.P.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P., and First Public Prosecutor at Johannesburg, South African Republic, Frida Horn who makes oath and states :—

I reside at Frenkels Cottage, Kark Lane, Fordsburg. I am the widow of the now deceased Bernard Horn. He died 11th October, 1893.

About the month of February, 1899, before that it was known that a petition had been sent to Her Majesty the Queen of England purporting to contain the signatures of 21,000 British subjects, a certain person came to me where I reside, with a petition to Her Majesty the Queen of England on the subject of the Edgar affair and other so-called grievances. He said to me that he was a very poor man, that he had six or eight children whom he had to provide for, and that he received so much per name for getting the petition signed. He asked me to take pity on him and to sign my name as well as those of my children and of my deceased husband. The children are in the Colony. I told him that also that I had lost my husband by death more than five years ago.

I was sorry for him, and for that reason alone I signed my name and those of my children as well as that of my deceased husband as follows :—

My name, Mrs. F. Horn.
My husband's name, B. Horn.
My children's names, H. Horn, M. Horn.

He went away. I do not know him, but will recognise him if I see him again.

(Signed) Mrs. FRIDA HORN.
F. HORN.

Sworn before me, this 29th May, 1899.

(Signed) M. SMUTS DE VILLIERS,
First Public Prosecutor and J.P.

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* *Sic.*

Copy.

I hereby swear and declare that on the fourteenth day of February, 1899, in Commissioner Street, near the European Hotel, Johannesburg, I was met by a person who purported to be a canvasser for signatures to a petition, the contents of which, according to the canvasser's plain words, were memorialising the Government of the South African Republic to redress some grievances which we, the inhabitants, have to bear. I accepted the canvasser's explanation as true, and attached my name to the memorial, which I now learn has been forwarded to the British Government. Had I been told the truth I would never have set my name to such a document, and it is on account of this deception that I protest against placing any reliance on the representation of my name.

Johannesburg, 10th April, 1899.

(Signed) L. ALECX.

Sworn before me, 21st April, 1899.

(Signed) H. S. LOMBARD, J.P.

COPY.

I hereby swear and declare that a certain person, whose name I do not know, has obtained my signature to what I now understand to be a petition to the British Government, on actual false pretensions, inasmuch as he told me that it was only a memorial praying the Government of the South African Republic to accord some aid to the stranded people in Rhodesia who wish to return, but on account of poverty are unable.

Johannesburg, 11th April, 1899.

(Signed) M. POND.

Sworn for me

(Signed) H. S. LOMBARD,
Justice of the Peace.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, Justice of the Peace, 1st Public Prosecutor at Johannesburg, on this the 29th day of May, 1899, Alexander Aikman Bankier, who makes oath and states :—

I reside at Critic Buildings, Johannesburg, and I am a Land Commission Agent, and also a Broker.

About the month of February, 1899, bsfore it was known that a petition had been addressed to Her Majesty the Queen of England and Ireland by Uitlanders from Johannesburg alleged to contain 21,000 signatures, a certain Claude Porter came to me. The said Porter was a person employed to carry round the said petition, *i.e.*, on the subject of the Edgar affair and the Uitlanders grievances, and to obtain signatures. I saw the petition also in his possession. He said he received £1 a day for obtaining signatures to the petition. He spoke to me and said I must obtain signatures for him, as many as possible. He also gave me to understand that the signatures need not all be quite genuine. He would pay me a certain amount for each 100 signatures. I consented. He had several loose sheets on the petition. He gave me two of these loose sheets. I obtained certain genuine signatures on these sheets. The persons who signed them naturally saw no petition. I only told them that it was about the Uitlander grievances. I wrote fictitious names on those sheets. I myself wrote about 20 fictitious names on these sheets. E. R. Randall, G. L. Brooks, R. G. Harrison, and others whom I cannot remember, also wrote a number of fictitious names on my two sheets. I do not know how many names they wrote. The said R. G. Harrison also received sheets of a similar petition from the said Claude Porter, and also from yet another, Eaton Lowe, also a carrier round of similar petitions. Many fictitious signatures were also written by me, Randall, Brooks, and many others on Harrison's list or sheets of paper. Lowe must have known this, in what way the signatures on these sheets were obtained. Porter also knew of it. All these sheets, when they were filled with names, were given back to Porter and Lowe.

We all did that, *i.e.*, wrote fictitious signatures because we were convinced of this, that the whole affair was a lot of "tommy rot." We would certainly not have done it if we thought that it could have had serious consequences. We were all eventually paid for our work.

I understood from Porter and Lowe that they had received the petitions from the South African League.

I remember that I wrote some fictitious names in the presence of Schimmelbusch, and that I afterwards showed them to T. B. Reagan.

This declaration being read over to me, I confirm on oath, of free will and without any compulsion.

(Signed) ALEX. A. BANKIER.

Before me—

(Signed) M. SMUTS DE VILLIERS, J.P.

Witness—

(Signed) T. B. REAGAN.

III*a*.

Suggestion respecting Franchise made by His Excellency at Morning Sitting, on the 1st June.

There are two things I have to consider. I have got to consider the prejudices of the old burghers. I know that even if I were to convince the President himself, he might have difficulty in convincing other people; therefore I must in proposing anything. propose something which it can be made absolutely clear to the old burghers will not swamp them. On the other hand, I have to consider that it is perfectly useless to propose something which will give no satisfaction whatever to the reasonable desires of the new population, which may be rejected at once as totally insufficient, the whole object of the proposal being to give them such an amount of satisfaction as will bring them on to the side of the State, to throw in their lot with it, and to work in future with the old burghers as one people.

Bearing these things in mind, what I suggest is this: that every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, should be allowed to become a citizen on taking that oath.

This should be confined to persons possessing a certain amount of property, or a certain amount of yearly wages, and who have good characters. In order to make that proposal of any real use for the new citizens who mostly live in one district in the Republic, and a district which only returns 1 member in 28 to the First Raad and 1 in 28 to the Second Raad, I propose that there should be a certain number of new constituencies created, the number of which is a detail upon the discussion of which I will not now enter. But what is vital from my point of view is that the number of these districts should not be so small as to leave the representatives of the new population in a contemptible minority.

III*b*.

Memorandum put in, in Dutch and English, by President of the South African Republic at afternoon meeting of Friday, 2nd June.

As the purpose I had in view at this Conference principally consists in the removal of existing grounds of disagreement and further to provide for the friendly regulation of the way of settling future disputes by means of arbitration, the following proposals with regard to the franchise must be considered as conditional and dependent on the satisfactory settlement of the first mentioned points, and on the request that my request to incorporate Swaziland in the South African Republic shall be submitted by the High Commissioner to Her Majesty's Government.

Subject to the foregoing I undertake to submit without delay to the approval of the Volksraad and the people the following proposals about the franchise:

I. Every person who fixes his residence in the South African Republic has to get

himself registered on the Field-cornets books within fourteen days after his arrival according to the existing law; will be able after complying with the conditions mentioned under "A.," and after the lapse of two years to get himself naturalised; and will five years after naturalisation on complying with the conditions mentioned under "B," obtain the full franchise.

A.—

1. Six months' notice of intention to apply for naturalisation;
2. Two years' continued registration;
3. Residence in the South African Republic during that period;
4. No dishonouring sentence;
5. Proof of obedience to the laws; no act against Government or independence;
6. Proof of full State citizenship and franchise or title thereto in former country;
7. Possession of unmortgaged fixed property to the value of £150 approximately, or occupation of house to the rental of £50 per annum, or yearly income of at least £200.

Nothing, however, shall prevent the Government from granting naturalisation to persons who have not satisfied this condition;

8. Taking of an oath similar to that of the Orange Free State.

B.—

1. Continuous registration five years after naturalisation;
2. Continuous residence during that period;
3. No dishonouring sentence;
4. Proof of obedience to the laws, &c.;
5. Proof that applicant still complies with the condition A (7);

II. Furthermore, the full franchise shall be obtained in the following manner:—

(*a.*) Those who have fixed their residence in the South African Republic before the taking effect of Act 4, 1890, and who get themselves naturalised within six months after the taking effect of this Act on complying with the conditions under 1A, shall obtain the full franchise two years after such naturalisation on proof of compliance with the conditions mentioned under 1B (altering the five into two years).

Those who do not get themselves naturalised within six months under Article 1,

(*b.*) Those who have been resident in the South African Republic for two years or more can get themselves immediately naturalised on compliance with the conditions under 1A., and shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1B.

(*c.*) Those who have been already naturalised shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1 B.

ANNEXURE:—

All white persons who . . . . . shall have taken an oath or made a declaration of allegiance to this State by which oath or declaration the person to be naturalised shall be considered and taken as having renounced and waived all burgher-rights enjoyed in and all burgher duties and subjection due to any other sovereign or State, and which declaration shall read as follows:—
I swear (or declare solemnly that the taking of an oath is not permitted by any religious conviction) and promise solemnly in all uprightness and in terms of the Constitution with which I declare myself to be acquainted, that I shall be faithful to this State, shall respect and support its independence, shall subject myself to the constitution, the laws and the lawful authorities of the land, and shall in all respects conduct myself as becomes a faithful burgher of this State; so truly help me God (or that I promise solemnly).

III.c.

Memorandum put in by His Excellency at the meeting of Saturday, 3rd June.

I have considered the Memorandum submitted by His Honour the President yesterday, and desire to record the following observations upon it.

The scheme proposed is a considerable advance upon the existing provisions as to franchise, which, I assume, it is intended wholly to supersede.

The points of importance are :—

(1.) That the period required for obtaining the full franchise is reduced from 14 years to 7, and is, I presume, independent of all conditions other than those specified in the draft itself.

(2.) That special regard is paid to the persons who, having been resident in the South African Republic before 1890, were deprived by the legislation of that year of the prospect of obtaining the full franchise after 5 years according to the terms of the law of 1882, which was in force when they entered the Republic.

(3.) That the present objectionable form of oath is altered, and the oath of the Orange Free State substituted.

These are important changes for the better, and I think the law, if passed, would be calculated to lead gradually to the introduction of a certain number of the Uitlander population to the ranks of citizenship.

I feel, however, that it falls far short of that kind of solution which I have suggested, and which alone appears to be adequate to the needs of the case. I feel a great responsibility in this matter. I wish to be moderate, but I cannot recommend to other people a plan which I feel certain will not succeed. Under this plan no man who is not already naturalised, even if he has been in the country 13 or 14 years, will get a vote for the First Volksraad in less than 2½ years from the passing of the new law. There will be no considerable number of people obtaining that vote in less than five years, that is if they come in and naturalise. But I fear the majority of them will not come in, because the scheme retains that unfortunate provision, first introduced in 1890, by which, owing to the two stages—first, naturalisation with a partial franchise, and then, after five years, full franchise—a man has to abandon his old citizenship before he becomes a full fledged citizen of his new country. My plan avoided this. My doctrine is that, however long a period of residence you fix before a man becomes a citizen of your State, you should admit him, once for all, to full rights on taking the oath of allegiance. And this is especially important in the South African Republic, because, owing to the facility and frequency with which laws—even fundamental laws—are altered, the man who takes the oath and thereby loses his old country will never feel quite sure that something may not happen in the interval, when he is only half a citizen, to prevent his becoming a whole one.

The vote for the First Volksraad is the essential point. According to the present constitution of the Transvaal, the First Volksraad and the President really are the State. But under this scheme it will be a considerable time before any number of Uitlanders worth mentioning can vote for the First Volksraad, and even then they will only command one or two seats. My point was to give them at once a few representatives. They might be a minority, even a small minority. I have said over and over again I do not want to swamp the old burghers. But as long as the representatives of the new comers are entirely excluded from the supreme legislative council, they will, as a body, remain an inferior caste. The co-operation and gradual blending of the two sections of the population will not take place. The old separation and hostility will continue. I see no prospect here of that concord to which I had looked both to bring about a more progressive system of government, and to remove causes of friction between the Government of the South African Republic and Great Britain.

For these reasons I regret to say the scheme seems to me so inadequate that I think it would be wasting the time of the Conference to discuss its details.

I yesterday threw out the suggestion that, failing an agreement as to the franchise, the President might, as an alternative, see his way to meet the demands of the Uitlanders in another manner, more or less on the lines of Mr. Chamberlain's plan of 1896, by allowing them to control, or, at least, partially control, the local administration of their own district. But he seemed to be even more opposed to this than to my proposals for the extension of the franchise. That being the case, I am driven to the conclusion that as far as the Uitlander question is concerned, the Conference has been productive of no result.

III.*d*.

TRANSLATION.

Memorandum dated 3rd June, 1899, *transmitted by President Kruger to the High Commissioner*, *4th June*, 1899.

Before making observations on the important Memorandum handed to me to-day by Your Excellency, I wish to revert to the question of an increase in the representation of the new citizens in the South African Republic, which, as already explained this morning, was omitted from my former Memorandum.

I am ready to propose and to recommend to the First Volksraad to increase the number of members of the First Volksraad, whereby the Gold Fields will be represented by five, instead of as now by two, members.

Your Excellency will understand that besides this special representation, the new population will exercise, and already exercise, a considerable influence on the elections in all the other districts where they are, or will be, registered as citizens.

With reference to the Memorandum itself, I wish to express my satisfaction that Your Excellency recognises that my proposal with reference to the franchise is a considerable improvement on the existing law, and that Your Excellency lays special stress on three improvements of preponderating importance in my proposal.

With reference to the points of improvement, I wish to make some remarks :—

1. I have no intention of adding any further limiting conditions to the stipulations put forward by me.
2. The form of the oath as laid down in the Orange Free State Constitution shall be accompanied by the legal stipulation having reference thereto as contained in the Constitution, and as read yesterday by me at the making of my proposal to Your Excellency.
3. The object of my proposal is to abrogate the portions of the election laws to which my proposal has reference.
4. I wish further to point out that persons who before 1890 came to the South African Republic, will be able to obtain the *full* franchise in two instead of two and a half years (as Your Excellency appears to think) after the coming into operation of the proposed law.

Here attention may also be directed to the fact that according to law 7 of 1882, the naturalisation fee amounted to £25, while in 1890, it was reduced to £5, and later to £2.

I also wish to point out that persons who were naturalised before the coming into operation of this proposed law, will obtain the full franchise five years *after naturalisation*, so that, for example, a person who was naturalised five years ago, will immediately after the coming into operation of the law, be entitled to the full franchise.

In further answer, I wish Your Excellency to give your most earnest attention to the following considerations :—

1. Your Excellency appears to be under a misunderstanding with reference to the rights obtainable by naturalisation. Here, as well as elsewhere, citizenship does not necessarily bring with it the full franchise. This difference had already been recognised in the Grondwet of 1858, wherein it was provided that a person becomes a citizen at the age of sixteen years, with the right on the attainment of eighteen years to vote for a military officer, while he could only vote for the Volksraad and President on attaining his majority (twenty-one years), and could only be elected for the Volksraad at the age of thirty years.

Apart from the citizenship, certain qualifications are required for the attainment of the full franchise under which are taken into account not only immovable property or income, but also period of residence.

This difference is also recognised in the Constitutions and Laws of nearly all civilised countries. As, for example, in the Cape Colony and elsewhere, a certain period of registration of the citizens is necessary for the exercise of the franchise, so also in the Republic a certain period of registration is demanded for the same purpose. The fact that the period in the South African Republic must be fixed longer than elsewhere is due to the special and exceptional circumstances, the difficulties in connection wherew th have

been acknowledged by Your Excellency himself. That a person already becomes a full citizen by naturalisation appears, *inter alia*, from this, that at the attainment of the full franchise after the prescribed period of registration, no further taking of an oath is required, but merely proof of possession of the necessary qualifications.

2. By naturalization, the new population obtain not only the citizenship, but also the right to vote for the Second Volksraad. Thereby they can make their influence felt on all those subjects which are specially placed under the jurisdiction of the Second Volksraad, and which, above all, concern the mining and the general interests of the new population. While the term of registration for the full franchise is thus still running, they have already a vote in the majority of subjects which concern them, and they obtain thereby their fair share in the legislation affecting them.

It is true that the First Volksraad has the power to review the work of the Second Volksraad, but where it concerns the interests of the mining community it has very seldom done so.

Besides this influence on the legislation of the Second Volksraad, the naturalized citizens in the South African Republic also have the right to serve as jurymen, and likewise to select the local officials, such as Field Cornet, Commandant, and Landdrost, and they obtain thereby a very important influence on the local government. And in many cases these naturalized citizens did not possess that right in the land of their former citizenship.

3. Not alone in Great Britain, but also in important British Colonies, such, as I understand, is the case in the Colony of New South Wales, the enfranchised citizens have no vote in the elections of the highest legislative chamber. Regarded from that point of view, the position of British subjects who become subjects here should really be better than it was, whether in Great Britain or in some of the British Colonies.

4. I notice, with pleasure, the renewed assurance of Your Excellency that it is not the intention that the old citizens should be out-voted by the new citizens. Just because I feel myself assured of the great and threatening danger hereof in case Your Excellency's proposal is accepted, I cannot agree therewith. The immediate granting of the full franchise to such persons as, according to Your Excellency's proposal, would be able to make claim thereto, would result in an immediate overmastering of the old citizens.

At any rate it will not bring about that co-operation and gradual fusion of the two portions of the population which is the object both of Your Excellency and of myself. And Your Excellency will readily acknowledge that, according to my proposal, this fusion and co-operation would commence immediately, namely, with those who are already naturalised five years or more, and two years thereafter will become strengthened by those who came here before 1890, and will proceed year by year with rapid strides, and that the discord will disappear of itself. I am convinced that if this view of the case is made clear to the new population they will acknowledge the fairness thereof.

5. Coming to the alternative plan of local government for the Witwatersrand Gold Fields, put forward by Your Excellency, it should be noted that since the suggestion made by Mr. Chamberlain in 1896, a wide measure of local government has been accorded to that portion of the State.

In case experience, after a lapse ot time, should demonstrate that this local government must be still further extended or improved, I have no doubt that then the Volksraad will also make the necessary provision with regard thereto. This naturally solely under the reservation that such extension should not effect an *imperium in imperio* out of which necessarily still greater disunion will be created than at present exists.

In conclusion, I desire to remind Your Excellency that the acceptance by the people and the Volksraad of the proposal made by me will depend on a proper adjustment of the matters set forth at the beginning of my former memorandum.

IIIe.

MEMORANDUM read by His Excellency the HIGH COMMISSIONER at Morning Meeting of 5th June, 1899.

I have carefully considered His Honour's memorandum of June 3rd. This document modifies the scheme put in by His Honour on June 2nd, and adds to the proposals of that scheme the further proposal to increase the number of members of the First Volksraad representing the Gold Fields from 2 to 5. The First Volksraad would thus consist of 31 members, 5 of them representing the Gold Fields.

The memorandum now under reply further contains certain comments upon my memorandum put in at our meeting on Saturday morning last, June 3rd.

I regret that even with the additions now made, I cannot regard His Honour's scheme as one which I could advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail.

The references are to the numbers and letters in His Honour's memorandum of June 2.

(1.) By Ia. (1). Six months' notice is required for naturalisation.

By 2 (a). persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation.

I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require $2\frac{1}{2}$ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons who have been in the country from an earlier date than 1890 should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did so he was under the then existing law entitled to the full franchise in five years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was in my judgment a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of newcomers, the legitimate expectations of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man who came in in 1886, and has already waited 13 years, have to wait another $2\frac{1}{2}$ years, or even 2 years?

2. Ia. (4 and 5). I am not quite sure whether 'dishonouring sentence' would apply to the members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case, 'act against Government or independence' could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said, 'Forgive and forget.'

Ia. (6). This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming from countries where there is a measure of popular self-government. But even in these cases 'proof' of 'full state citizenship and franchise or title thereto' might be difficult to furnish. Take the case of a man who was under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed in his native country the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hands of officials whose bias was against the Uitlander.

IA. (7). The property qualification seems reasonable, but £200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers who do not possess the necessary property qualification, those conditions should be clearly stated.

IB. (2). 'Continuous residence' (gedurig verblijf). These, again, are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders, who had nevertheless had their permanent home in the country all the time.

I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that, while I have an open mind as to the number of new seats for the Gold Fields, and for that reason did not attempt to lay down any definite number in my own proposal, I think three is decidedly too few. Under this proposal the enfranchised newcomers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one-fourth of the representation seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers on an equal footing in the First Raad, they would, without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place, the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it comes to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and, finally, the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the question of public order on the Gold Fields, or the question of education. These too are vital questions for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government.

It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the newcomer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home,

would rather wait five, or even seven years for burghership, if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument, that in a State where the bulk of citizens do possess full franchise, without other qualifications, the citizen who does not possess it is a citizen of an inferior class. To that inferior class of citizenship a man who has taken the oath under the present proposal may, owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country.

To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present franchise laws. But if I am asked whether I think they will satisfy the Uitlander community, and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself, in advancing it, what is the smallest measure of reform that will really be of any use, that is to say, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing here. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the inhabitants, it is because of my firm conviction that no small measure would any longer be of any use. The Government has much to atone for in its past treatment of the Uitlanders, and it has much, indeed it has everything, to gain in silencing their present complaints, and in removing the long list of Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic.

The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic, if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense.

III.f.

Memorandum put in by President Kruger at Afternoon Meeting of 5th June, 1899.

TRANSLATION.

I wish to express my regret that the proposal about the franchise submitted by me to His Excellency has been found by him to be unacceptable.

My proposal went as far as it was possible to go in the interests of my people and State, and in principle it is impossible for me to depart from it.

In regard to the subordinate points touched upon by His Excellency, I only wish to remark that the intention thereof was not to limit or to hinder in an unreasonable manner the admission of the newcomers among the burghers of the South African Republic, and thus to take away with one hand what has been given by the other; and if my proposal should eventually be placed among the laws of the land, His Excellency would see that in this respect it was my intention to act in a fair and reasonable manner.

I would be prepared, in the spirit of concession, to further discuss and deal with the details touched upon by His Excellency; but as His Excellency refuses even to accept the principle of my proposal, it would be needless to go further here into particulars on this point.

As regards the increase of the representation in the First Volksraad, His Excellency will understand that it is not possible for me to bind the future legislation altogether, and that the limit of thirty-one mentioned by him cannot necessarily be a final one as regards the representation either of the old or the new inhabitants.

Although His Excellency, to my greatest regret, refuses to accept the proposal as a reasonable concession to the new population of the South African Republic, he still acknowledges that it is a decided and considerable improvement on the existing law, and he will also readily acknowledge that it is desirable to have it confirmed by the Legislature of the South African Republic, even apart from the fact that in His Excellency's opinion it does not go far enough.

On the other hand, His Excellency has also acknowledged that my request for arbitration by other than foreign Powers, on all points of future difference under the Convention, is reasonable, and that it is altogether desirable to have such differences settled according to an automatic plan.

It is, further, our common opinion that in this case there should be no bargain or compromise made in the matter, as matters which are in themselves desirable ought to be also treated on their own merits. The question of arbitration, therefore, could be arranged apart from the acceptance or non-acceptance by him of my proposal with regard to the franchise.

Arguing on these lines, and as it is my earnest wish that this Conference should not be fruitless, I wish to make the following proposal to His Excellency, viz.:—

As according to his own admission my proposal about franchise is an important step in the right direction, I shall be prepared to lay my proposal before the Volksraad and to recommend it, even though His Excellency does not fully agree with it. From his side I shall then expect that His Excellency will lay before and recommend to Her Majesty's Government my request about arbitration on future matters of difference under the Convention.

His Excellency will, however, readily understand that if Her Majesty's Government should not meet me so far, so as to grant my acknowledged fair request for arbitration, it could be with difficulty expected that the people of the South African Republic would approve of my comprehensive proposal with regard to franchise.

Regard being had to my strong wish to have all differences settled amicably by arbitration, and by so doing to strengthen the bonds of friendship between the two Governments, and also with an eye to the peace and friendship between all white races in South Africa, I have not scrupled to go so far that I have conferred with His Excellency in a friendly way even over strictly internal affairs, and my strong trust is that this my wish shall not remain unfulfilled.

No 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.55 p.m., July 4, 1899.)

TELEGRAM.

4th July. In Blue Book* page 242 my telegram of 22nd May reads "franchise after six years." I wrote five years. Mistake occurred in cabling. Please correct if opportunity occurs.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR, Government House, Cape Town, June 21, 1899.

IN my despatch of the 14th instant,† I enclosed certain affidavits referred to by the President of the South African Republic at the Bloemfontein Conference, as throwing discredit on the genuineness of the signatures to the Petition to Her Majesty from British residents in Johannesburg. I have since referred these affidavits to the President of the Transvaal Branch of the South African League, who is now in Cape Town, for his observations, and I have now the honour to transmit to you a copy of a letter which I have received from him on the subject.

Mr. Wybergh's explanations appear to me, on the whole, satisfactory. Most of the affidavits contain allegations of the flimsiest kind, some not having any clear reference to the particular Petition, and some being on the face of them incredible, like the Joe Venner story. On the other hand it appears certain that in one case—that of Bankier—serious irregularities did occur, one of the canvassers allowing several blank sheets to go out of his hands, and accepting them, when returned to him, without inquiry. It was, however, always within the range of probability that in an extended and necessarily more or less secret canvass like this, some mistakes should occur. The Government of the South African Republic have been trying for months to throw discredit on the Petition. They have an army of spies and secret service agents, whose methods are known to you from the Nicholls-Patterson case, and there are plenty of loafers in Johannesburg who can be induced to swear to cock-and-bull stories. On the whole, it is satisfactory that with all their efforts they have not been able to damage the Petition more than these affidavits do.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 3.

Letter from W. WYBERGH, President of the South African League, Transvaal Province, Johannesburg, to the HIGH COMMISSIONER, Cape Town.

SIR, June 21, 1899.

I HAVE the honour to enclose herewith my notes and comments upon the declarations in regard to the Uitlanders' Petition to Her Majesty the Queen, which were handed to you upon the 2nd and 12th of June, 1899.

I have, &c.,
W. WYBERGH,
President South African League, Transvaal Province.

1.

Declaration of James Sidey.

This refers merely to the supplementary signatures which were obtained after the petition was forwarded to the High Commissioner, and not to the names which were

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* [C.– 9345.] † No 1.

attached thereto. The signatures obtained by Sidey have not yet been forwarded. Sidey received the Petition from me, not from Mr. Dodd, and I gave him his instructions.

Re Age of Signatories:—Sixteen years is the age at which a Transvaal burgher receives the franchise, and was therefore adopted as the limit by us.

Re Nationality:—Sidey's instructions were not, as he alleges, that nationality did not matter, but that if any person stated that he was a British subject, and wished to sign, it was unnecessary to enquire further into his nationality.

Re Sex of Signatories:—Sidey was instructed that everyone was to sign his or her ordinary signature, and that no prefix was necessary. He was not told that signatures with the prefix would not be accepted. So far from wishing to conceal the sex of those who signed, I instructed him, and other canvassers, to take special note of the number of women who signed. This was done in most cases, and the canvassers reported to me that from one to five per cent. of the signatures were those of women. I have already referred to this matter in a letter to Mr. Emrys Evans.

2.

Declaration of George J. Couper.

The whole statement is very vague, and no date is given. The man Couper is a well-known, broken-down, drunken vagabond, quite undeserving of credence. His want of good faith is shown by his readiness to sign a Petition which he considered to be a farce. His statement that the canvasser's pay depended upon the number of signatures he obtained is false, as canvassers were paid daily wages, irrespective of the number of signatures they obtained. His statement that he was formerly Inspector of Basutoland Mounted Rifles is apparently false, as I am informed that no such force ever existed.

3.

Declaration of Bartolemus Jacobus de Jong.

The date given is vague. The village of Langlaagte was canvassed by two of our men together. One of them has since taken a country situation, and I have not therefore had an opportunity of questioning him on this matter. He has, however, made an affidavit that all the signatures which he obtained are genuine to the best of his belief, and he is a trustworthy man, whose word there is no reason to doubt. The above also applies to the other canvasser, but as he lives in town, I have been able to question him, and to confront him with this affidavit. He absolutely denies the whole of these charges, and states that he has never heard of Joe Venner. Apart from this the statements made in this affidavit and the one by Mortimer Nugent are so absurd and extravagant, that it is impossible to believe them. They both state that Venner was paid at the rate of a bottle of stout for every signature. Our canvassers were only paid the wages of a superior working man, and out of their wages it would have been plainly impossible for them to have paid for signatures at the rate alleged in these two affidavits. I believe that a bottle of stout costs at least 2s. locally. It may again be pointed out that our canvassers had no motive whatever for obtaining forged signatures, and still less for paying for forgeries out of their own pockets.

4.

Declaration of Mortimer Nugent.

This is merely a corroboration of de Jong's statement, and is, I think, fully covered by the remarks made under that head.

5.

Declaration of A. A. Hellern.

There is nothing in this Declaration to show that the Petition which Hellern signed was not what it purported to be, or to connect it in any way with the Petition to Her Majesty. The date given in the Declaration is so vague that it is impossible to surmise what particular Petition this may have been. There are Petitions to the Government of the South African Republic on various subjects constantly in circulation in the Transvaal. Our canvassers had strict instructions to show the Petition to anyone who wished to see it.

6.

Declaration of L. Alecx.

The same remarks apply to this Declaration.

7.

Declaration of M. Pond.

The same remarks apply to this declaration. I may state in addition that I am told that a petition for help to the Rhodesian settlers actually has been in circulation.

8.

Declaration of Frieda Horn.

The date given is very vague, and this makes it impossible for me to bring this home to any particular canvasser.

A canvasser is quoted as saying that he was paid by the number of signatures obtained. This is false, and throws doubt upon the whole statement. Our canvassers were not paid in this manner, and had no motive for falsely saying so. In all cases where several signatures with the same surname followed one another, I questioned the canvasser closely as to the circumstances under which they were obtained. A certain number of signatures were rejected because the explanation did not appear satisfactory. In all other cases the canvassers assured me that either the writing was actually done by different people, or in the case of illiterates, chiefly Dutch, that it was done in the presence and with the consent of all.

9, 10, and 11.

Declarations of F. E. R. Schimmelbusch, T. B. Reagan, and A. A. Bankier.

These declarations all deal with the same matter, and I will therefore comment upon them together.

I know nothing personally of any of the persons mentioned in these affidavits, except Porter and Eaton Lowe. These two were authorised canvassers. With regard to the others, I am told that Bankier is a drunkard, and Reagan is a well-known bad character and bully. I do not think, therefore, that too much credit need be placed in their statements.

The first two affidavits allege that Bankier, apparently as a joke, signed a number of names on sheets that were circulated for the purpose of obtaining signatures to the petition to the Queen. Bankier also states that he did so, and says expressly that he did it for a joke, without any idea of the serious effect that might follow his action. I am inclined to think that some practical joke of this kind may have been played, and that there is this amount of substratum of fact in the affair. I do not, however, think that there is a word of truth in the rest of the statements.

In the first place, Eaton Lowe positively denies that he gave any detached sheets to anyone, and has sworn that to the best of his belief the signatures he collected were genuine.

Porter has also made a similar affidavit, which denies any suggestion of deliberate fraud on his part, such as Bankier alleges. The following is Porter's account of the matter. During the first day or two of his canvassing he was not quite clear as to his

instructions, and, as he afterwards acknowledged, against my orders, committed the indiscretion of giving two loose sheets to Bankier. He, however, denies most emphatically that he gave Bankier to understand that he might obtain any signatures which were not genuine. On the contrary, he says that he enquired of Bankier whether the signatures were genuine, and Bankier assured him that they were. Bankier only obtained a few signatures, and Porter, apparently thinking the matter of little importance, handed in these sheets, together with the signatures which he had himself obtained, without drawing attention to them. I must point out again that Porter had no object whatever in obtaining forged signatures, as he was paid by the day, and any reasonable excuse for a poor day's work was always accepted. Neither Porter nor any other canvasser was ever reprimanded when this happened, much less was their pay curtailed.

With regard to the allegation that R. G. Harrison also obtained sheets from Porter, the latter says that with the exception of two sheets which he gave away and were never returned to him, Bankier was the only man who received any. Porter and Eaton Lowe were working together, which probably accounts for the latter's name being brought in.

It is to be regretted that Porter committed an indiscretion of this nature, but it is apparent from his own statement that he acted in good faith.

In any case, only a few signatures are affected by these affidavits.

My general impression is that while Bankier intended nothing more than a joke, he has since been got at by the Secret Service agents, and induced to magnify the whole affair into a conspiracy. In this connection, I may mention that Mr. Pitt, one of our trusted canvassers, has made a statement, which he is prepared to swear to, that he was offered £5 by Secret Service agents if he would swear that he had forged the signatures which he handed in to us. While we have no evidence to show that the same procedure was adopted with Bankier, the suspicion is not unreasonable.

No. 4.

High Commissioner Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 17, 1899.)

[*Answered by No. 5.*]

Sir, Government House, Cape Town, June 28, 1899.

I have the honour to enclose, for your information, with reference to my despatch of the 21st instant,* copies of two affidavits of Mr. E. R. Randall, sent by Mr. T. R. Dodd, of Johannesburg, on the subject of the signatures to the recent petition to Her Majesty the Queen.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 4.

I, Edward Ross Randall, of Johannesburg, make oath and say:—

1. I have perused what purports to be an affidavit† by Alex. A. Bankier, which appears in the "Standard and Diggers' News" of the 22nd June, 1899.

2. I know the said Bankier, and presume that I am the E. R. Randall referred to by [him], as I do not know any other E. R. Randall in Johannesburg.

3. I say that it is absolutely false that I signed fictitious names to the Petition to the Queen, or got other persons to do so.

4. I was not a canvasser for the Petition at all, but I signed same as a sympathiser with its objects.

Edw. R. Randall.

Sworn at Johannesburg this 23rd day of June, 1899.
Before me (voor mij):—

J. T. De Beer, J.P.

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* No. 3. † See page 50.

Enclosure 2 in No. 4.

I, Edward Ross Randall, make oath and say:—

I am an accountant, and my address is Box , Johannesburg. I am the E. R. Randall mentioned by A. A. Bankier in his affidavit about the Petition to Her Majesty. I am acquainted with Bankier in the ordinary way of business. I have reason to know that until recently Bankier has been in very poor circumstances, but lately he has been spending money very freely, and has appeared to be very flush of money.

On the day when Bankier's statement was published, I reproached him with having told lies about me. He told me that he had done it under compulsion, and that De Villiers, the Public Prosecutor, had threatened to put him in gaol if he refused to sign the affidavit. He told also me that he was more or less drunk at the time he made his affidavit; that the affidavit was written down in Dutch, which he did not understand, and that before signing it a verbal translation was read out to him, which was quite different in the affidavit as it now appears. Bankier also stated that most of the statements in the document which is now put forward as his affidavit are false. Bankier and Harrison occupy the same room, are personal friends, and are both given to drink. I do not wish this statement to appear in the newspapers, because I object to my name being mixed up any further in a disreputable action.

EDW. R. RANDALL.

Sworn at Johannesburg, this 26th day of June, 1899.
Before me (voor mij):—

J. D. BICCARD, J.P.

No. 5.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 7.30 p.m., July 20, 1899.)

TELEGRAM.

[*Answered by No.* 6.]

July 20. Please enquire whether second enclosure in your despatch, June 28,* may be published in Blue Book.

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 22, 1899.)

TELEGRAM.

21 July. Referring to your telegram of 20 July,* both affidavits can be published. Letter sent to you by last mail from President of League containing following three affidavits:—

(I.) *Begins:* I, Robert Ernest Harrison, of Johannesburg, make oath and say:—I believe myself to be mentioned in one Alex. A. Bankier's affidavit, published in the "Standard and Diggers' News" of 22nd June, 1899. I wish to state that on one occasion I helped Mr. Eaton Lowe to obtain signatures for the Petition to Her Majesty the Queen by bringing up people to sign at the Standard Arcade. My sole connection with Mr. Claude Porter was that I obtained and returned certain sheets to him, which he did not accept, as he expressed doubt as to the genuineness of some of the signatures contained thereon.

(Signed) R. E. HARRISON.

Sworn at Johannesburg, this 29th June, 1899, before me.

(Signed) J. J. DE BEER, V.R.—*Ends.*

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* No. 4.

(II.) *Begins:* I, Harry Ryves Pitt, of Johannesburg, make oath and say:—I was employed as a canvasser for the Petition to Her Majesty the Queen by the South African League. After the Petition had been sent in and about the first week in May I met in Commissioner's Street, Johannesburg, man named Gourd; he asked me if I wanted to make five pounds; I said: "Yes, if I can do it honestly." He said, "I don't know anything about that, but you had better come and see Mr. Darrel, who is the man that wants to see you." I believe this man Darrel was sent to bribe me by Agar Ellis, the detective who is implicated in the high treason trial. I found Darrel at the North Western Hotel. He asked me if I would swear that I had collected forged signatures, and offered me a five pound note for doing so; he also said that he would make something out of it; he said his object was to make the Petition invalid, and that was what he was being paid for. I said "Certainly not; because I am one of the principal canvassers, and as far as I know, the Petition has been worked perfectly squarely." I certainly did not obtain forged signatures. I will add that I canvassed the village of Langlaate, and that the allegations of forgery on the part of one Joe Venner and of my collusion are absolutely false.

(Signed) HARRY RYVES PITT.

Sworn at Johannesburg, this 1st July, 1899, before me,
(Signed) N. Z. SCHOLTZ, V.R.—*Ends.*

(III.) *Begins:* I, Alexander Ackman Bankier, of Johannesburg, make oath and say, I have sworn affidavit before Mr. De Villiers, the Public Prosecutor, in which I made certain allegations about the petition to Her Majesty the Queen. I now declare that I made the said affidavit under the impression I should be arrested if I refused. Reagan insinuated the [this]. The affidavit was in Dutch, which I did not understand. Mr. De Villiers read out to me what purported to be a translation of the contents. I have found since my affidavit was published that this was not a correct translation. I thoroughly misunderstood the meaning, and should not have signed it if I had understood. I had a few drinks before I signed it. It is not true that Porter told me that it did not matter whether the signatures were genuine or not. I wrote the fictitious signatures by way of a joke, and it is not true Porter or Eaton Lowe knew what I had done; neither Randall Brooks nor Harrison were present when I signed the fictitious signatures. I gave two sheets back to Porter, and told him that the signatures were genuine. It is not true I obtained the sheets from the South African League; I obtained them from Porter. Before I signed the former affidavit De Villiers said that he had forty or fifty more affidavits like mine, and gave me his word of honour that mine would never be published. The evening after the affidavit was published I went straight up to the "Transvaal Leader" office of my own accord, and contradicted some of the misstatements in it.

(Signed) ALEX. A. BANKIER.

Sworn at Johannesburg, this 1st July, 1899, before me,
J. EMRYS EVANS, Vice-Consul,
British Vice-Consulate, Johannesburg.—*Ends.*

In the course of his covering letter Wybergh states:

Begins: Bankier's most serious allegation was that Porter and Eaton Lowe, two of our authorized canvassers, were privy to the fabrication of signatures. Porter and Eaton Lowe, as already stated, have sworn affidavits to the contrary, and Bankier in the affidavit now enclosed expressly denies this allegation. Bankier states that Randall, Harrison, and Brooks assisted him in writing false signatures. He now declares that neither Randall, Brooks, nor Harrison were present; this is also supported by the independent declaration of Randall, and indirectly by that of Harrison. Bankier made a statement that Harrison received sheets from Porter and from Eaton Lowe. As regards Eaton Lowe this statement is explicitly denied by Harrison. As regards Porter, Harrison swears that he obtained sheets from Porter, which the latter refused to accept when returned to him, as he was not satisfied that the signatures were genuine. Porter's good faith is thereby completely vindicated, and the story agrees with Porter's own statement. It is thus

apparent that the most important statement made in Bankier's first affidavit are contradicted explicitly either by himself in his second affidavit or by the affidavits of Randall and Harrison.—*Ends.*

Begins: Mr. Pitt's statement expressly denies the statements made by Nugent and De Jong as to forgery committed by one Joe Venner at Langlaagte. The said Joe Venner, though I have been unable to question him myself, wrote of his own accord to the local press, totally denying the allegations, which are also prima facie ridiculous. But in addition [to] the discreditable tactics disclosed by Bankier's second statement, Mr. Pitt swears that money was actually being offered for purpose of obtaining false statements.—*Ends.*

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CAPE COLONY

CORRESPONDENCE

RELATING TO

AFFAIRS OF THE CAPE COLONY.

No. 1.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received February 5, 1900.)

(Extract.)

Government House, Cape Town, January 16, 1900.

THE facts connected with the invasion of the Colony, and the accession of a large number of Colonists to the side of the invaders, have been reported to you in numerous despatches. The time has come when it may be useful to summarize the principal features of these unfortunate proceedings, as they are depicted in official and other reliable reports.

The portion of the Colony with which I propose to deal is that which lies south of the Orange River. The districts north of that river have been so completely cut off, and our accounts of what has been, and is, going on there are so scanty and imperfect, that the history of their defection cannot yet be written. I shall content myself with quoting an extract from a report upon the state of affairs in that region by a gentleman lately resident in Vryburg, which undoubtedly fairly expresses the truth so far as he has been in a position to observe it:—

"All the farmers in the Vryburg, Kuruman, and Taungs districts," he says, "have joined the Boers, and I do not believe that you will find ten loyal British subjects among the Dutch community in the whole of Bechuanaland. Field Cornets and Justices of the Peace on the Dutch side have all joined." He adds that "the conduct of the rebels has been unbearable."

It should be observed that the gentleman who gives this testimony has come to Cape Town at the instance of Mr. Wessels, the Bond Member for Vryburg, and is therefore not likely to be a witness with any bias against the Dutch population.

As regards the general sources of my information, I may say in brief that it is derived for the most part from the official reports of the Magistrates and other civil servants in the districts mentioned, and that the dates of these reports run from October last up to the present time.

The districts invaded by the enemy south of the Orange River are:—

Colesberg, Albert, Aliwal North, Wodehouse, and Barkly East.

It was on the 12th October that the enemy committed the first act of war and of invasion near Vryburg, on the western border, but it was not till more than a month later, namely, the 14th November, that they occupied Colesberg. Apparently they were waiting for reinforcements, for when they actually did cross the frontier they were 1,100 strong. Whatever the cause of their delay, it was not due to any discouragement from the people of Colesberg. The small British garrison then in the country being engaged elsewhere, and the district being entirely unguarded save by a few policemen, people from there continually visited the river to communicate with the enemy.

The Chief Constable reports that when he left the town 300 Colesberg farmers had already joined the enemy, and that 400 more were expected from the adjoining district of Philipstown.

Meanwhile, the act of occupation was followed by remarkable events. The Resident Magistrate proceeded to the Court House, escorted by four mounted burghers, and delivered two successive harangues to the people there assembled. In the first he explained that those who abided by the Orange Free State laws would be unmolested, and that all property required by the commando would be paid for in Transvaal coin, while in the second he adjured the public to remain loyal subjects to Her Majesty the Queen.

On the 16th November General Grobler, the Boer Commandant, addressed the following telegram to Bloemfontein:—

"Colesberg was occupied by me without opposition. . . . . I was very well pleased with the conduct of the Afrikanders. We were everywhere welcomed. I held a meeting of those who were friendly disposed. There six leaders were elected, including Mr. Van der Walt, Member of the Legislative Assembly. In consultation with them I commandeered the burghers for Tuesday next."

We have it on the authority of a British resident, Mr. F. R. Clements, that at a meeting in the Court House "Mr. Van der Walt got up and made a speech. What I heard was that, as the Imperial Government did not protect them now that the Free Staters had come in, they, the Free Staters, would protect them, and they, the Colesbergers, had no course but to join."

This remarkable argument has been repeated over and over again throughout the revolted districts. There is no doubt that the annexation and the commandeering were devices resorted to by the invaders at the suggestion of the Colonists who wished to join them, but, for fear of possible consequences, did not like to do so without some sort of excuse.

Eastwards along the border the tide of insurrection ran strong. In the closing days of October a Boer force assembled at Bethulie Bridge, which was guarded only by a handful of police. As the days passed and the alarm grew, the Cape police force was withdrawn from Burghersdorp, which lies south of Bethulie, down the line to Stormberg, while, in their turn, the Imperial forces abandoned the important position of Stormberg and retired on Queenstown, thus leaving the district clear for the invaders.

That they did not immediately advance was certainly not owing to any fear of resistance at Burghersdorp, the inhabitants of which fraternised with the commando stationed on the river, continually passing to and fro.

Finally, on the 14th November, the date of the occupation of Colesberg, the advance was made, and on the following morning a body of 500 Boers occupied the town. How was it that in a few days this force had increased to 1,100, or, according to another witness, to 1,200 men? This raises a most important question, and I shall proceed to cite the authority of two or three witnesses.

According to the despatch of the Boer Commandant, dated 16th November, Burghersdorp was occupied "amidst cheers from the Afrikanders," and "the Colonial burghers are very glad to meet us." Commandeering at once began throughout the district of Albert, and a Burghersdorp resident estimated that about 1,000 farmers were prepared to join at the date of his leaving the place. Another resident, before leaving, counted 450 local recruits in the town, including a Member of the Legislative Assembly of the Cape Colony, and most of the substantial farmers. Thus there is no difficulty in accounting for the sudden increase of the enemy from 500 to more than double that number. It is clear that the people of Burghersdorp, at least, cannot put forward the argument used by Mr. Van der Walt, of Colesberg, that it was owing to an overpowering necessity that they were reduced to act as rebels. Here, too, as at Colesberg, the consciences of all were salved by the "annexation" of the district to the Free State, and the establishment of civil government under Mr. Steyn, brother of President Steyn, as Landdrost.

The only place of any importance between Burghersdorp and Colesberg is Venterstad. This position was occupied on 20th November by a body of some thirty Boers. Practically the whole district joined them forthwith, and the Magistrate left, after taking the opinion of the meeting as to relinquishing his keys to the enemy, which they decided he should do. The most influential landowners formed themselves into a Committee to aid and abet the enemy, and an officer lately in the employ of Government, was appointed to conduct the affairs of the district. Mr. John Cooke,

a resident of Venterstad, states that the Free Staters "were received with open arms by the residents. The whole district rose practically to a man. All the most influential farmers offered their services, and constituted themselves a Commandeering Committee," while any loyalists, or prudent persons who could foresee the ultimate restoration of British rule, were given seven days' notice to leave hearth and home. As to the actual numbers of persons who had rebelled in the districts now under consideration up to the closing days of November, Mr. Cooke estimated them as at least 2,300.

The flame of rebellion gathered strength day by day. Passing eastwards from Burghersdorp up the Orange River, the next important place is Aliwal North. For several weeks a commando under Commandant Olivier had lain opposite Aliwal, some 3 miles across the Orange River. On 13th November they quietly moved across and occupied the town. They were only 450 strong. The town was named Oliviersfontein, martial law here as elsewhere was proclaimed, and the "annexation" effected. The Magistrate was made to stand upon the bridge during the crossing of the enemy, as it was supposed to be undermined, and was given two hours' notice to quit the district when it was found, apparently on the information of a member of the Cape Legislative Assembly and others, that he had been attempting to do his duty. The loyal residents of Aliwal received forth-eight hours' notice to quit their homes, failing which they were to be commandeered or imprisoned.

We are so fortunate as to possess the text of the telegrams addressed by Commandant Olivier, on the 13th November, and by the Acting Landdrost, on the 16th idem, to headquarters on the subject of Aliwal North. Clearly they have no reason for dissatisfaction.

The former writes:—

"Aliwal North was occupied by me this morning without resistance. The burghers are very busy destroying the railway between Aliwal and Burghersdorp."

The latter writes:—

"The burghers commandeered here in this Colony are responding well. There is no case of unwillingness so far."

The next and last town upon the border is Lady Grey. As soon as Aliwal was occupied, the population of Lady Grey rose, and the Assistant Magistrate reported on the 17th November, "I am practically powerless, police have all left, and the place is in open rebellion."

On the same day the Resident Magistrate at Dordrecht telegraphed that "Lady Grey has been proclaimed, and the Assistant Magistrate has left. The Cape Police there have retired on Herschel. It is reported that 700 burghers are near Lady Grey, mostly recruited from Colonial districts."

Lower down lies Jamestown, and it appears that recruits from both this place and from Lady Grey, made Aliwal their centre and rallying place.

Of Jamestown it is reported on the date last mentioned, "hundreds of Dutch from the neighbourhood of Jamestown have gone into Aliwal North to join the commando," and again, that "prominent Dutch residents near Jamestown are commandeering the Dutch to join the commando"; and again, that "most of the Dutch have openly joined the invading forces."

Still proceeding eastwards, the current reached Basutoland, and there, turned back by the lofty ranges of the Drakensberg and Mount Fletcher, broke southwards at last. Here are the well-stocked sheep farms and splendid grazing lands of Barkly East. The inhabitants of that district are mainly Dutch, though there is a sprinkling of wealthy British farmers. At the commencement of hostilities the attitude of the Dutch had been one of comparative indifference; they admitted their sympathy with the Republics, but would add that they had no reason to be disloyal. With the approach of a commando, however, there was a decided change, and the plotting and counter-plotting that went on is so characteristic that it deserves to be put on record. After Aliwal North had fallen, the Divisional Council of Barkly East passed a resolution asking the Government for protection. The avowed motive for this request was fear of a Basuto rising. No doubt the real motive was that if they obtained their wish, and if a force of Imperial or Colonial troops were moved into the district, they would be absolved from the painful necessity of choosing for or against the rebels, who would have been prevented from entering the district by the presence of our men.

On the other hand, to avow such a motive would have been to declare themselves

prematurely against their Dutch kinsmen. Hence the burden of their plea was laid upon the Basutos.

But this plan of the more timid and average citizens did not appeal to the local branch of the Bond. A meeting was accordingly summoned and a resolution was passed and communicated to the Government to the effect that the protection of the district was unnecessary. This counter-stroke was delivered on the excuse that the natives were quiet, and that no protection was needed. "I am of opinion," writes an official, "that these Bondsmen knew that if the district was protected no commando would invade the district, so they did all in their power to prevent it being protected."

It was on the night of the 22nd November that a commando of 186 Boers entered the town of Barkly East. We are well provided with authentic Boer accounts of what occurred. To Landdrost Munnik, ex-Magistrate of Barkly East, who had been dismissed for misconduct, had subsequently become a Transvaal burgher, and has now returned to his old country as a ringleader of the rebellion, we are indebted for the following account:—

"We went to Barkly East. The greatest enthusiasm prevailed amongst the Colonial Dutch farmers over the advance of the federal forces. At Barkly East the scene was one to be remembered. There were thousands of men, women, and children in the streets, and our burghers were greeted with an exuberant welcome. The magistrate, poor man! had 1,200 sovereigns in his chest, and he thought it was his duty to clear off. However, he left us 630 rifles, 60,000 rounds of ammunition, and a magazine. We found that the Cape Government had refused to issue arms to the burghers, and a large number of the farmers were absolutely helpless. We promptly distributed the whole of the rifles and ammunition among them, and they joined our colours. After the usual officials had been appointed we resumed our march."

Nor is the official account despatched to Pretoria less enthusiastic.

"Yesterday Commandant Olivier annexed this beautiful district, and the Afrikanders are greatly pleased, and are universally joining the forces. The Magistrate and the police fled at the approach of our men. The Commandant is busy serving out arms and ammunition to the new burghers, whose number is constantly increasing."

Lastly, let me cite the words of the correspondent of a Boer paper, who reported that on the annexation "the greatest enthusiasm prevails among the people, and it is safe to say that every single Afrikander has attached himself to our commandos."

Amid such a scene of triumph, the condition of loyal subjects was pitiable indeed.

The district of Barkly East is surrounded on three sides by native populations. British fugitives escaped into all these regions—an unedifying spectacle for the natives—and carried with them such scanty property as they could save from the invader. It is true that when the commandos entered a town their leaders usually disclaimed any desire to act as marauders, as, indeed, it was their obvious interest to do. Thus, on the fall of Barkly East, Commandant Olivier wished it to be understood that they did not come as robbers, some farmers appearing to think that they had only come to commandeer and loot. But, unhappily, such words could not atone for the dissolution of order already consummated by himself, and the account runs that on the entry of the commando into the town "a run was immediately made on the stores of forage, the entire stock of the hotel-keepers being commandeered." The flight of the unhappy loyalists began forthwith, and we read that "the exodus of loyal residents continued without interruption, though few came away with more than the clothes they stood in." Along the roads to Queenstown, to Herschel, to Basutoland, to East Griqualand, and to the Transkei were to be seen the families of British farmers, fortunate if they still had a waggon to convey them from their empty farms.

The last stage of anarchy was reached in Barkly East with the throwing open of the gaol:—

"On Thursday the keys of the gaol were demanded from the gaol-keeper, the prison doors opened, and the prisoners asked if they cared to be set at liberty. There were long-sentence prisoners, and one or two convicted on serious charges, but the answer was in all cases, 'Ja, baas.' They were all released."

The next step was to occupy Dordrecht, a town which lies south-west of Barkly, on the road to Queenstown, and is the capital of the district of Wodehouse.

On the 26th November it was reported that "the whole district (Wodehouse) is in open rebellion, and joining the commandos."

The occupation of Dordrecht occurred on the 2nd December, and is described by Mr. Munnik, the person mentioned above:—

"The Commandant took 350 burghers with him from Barkly, leaving 550 to guard the borders of the native territory. We advanced to Dordrecht and hoisted the flag. There we received the greatest assistance from Mr. Whitham, the Magistrate, who submitted to the inevitable in the most courteous manner. The Commandant stayed in the town for about an hour, and, under instructions from President Steyn, left me behind to appoint Field Cornets and things."

Thus, within a space of less than three weeks from the occupation of Colesberg, no less than five great districts—those of Colesberg, Albert, Aliwal North, Barkly East, and Wodehouse—had gone over without hesitation, and, so to speak, bodily, to the enemy. Throughout that region the Landdrosts of the Orange Free State had established their authority, and everywhere, in the expressive words of a Magistrate, British loyalists were "being hunted out of town after town like sheep."

In the invaded districts, as will be seen from the above, the method of occupation has always been more or less the same. The procedure is as follows:—

A commando enters, the Orange Free State flag is hoisted, a meeting is held in the Court-house or market-place, and a Proclamation is read, annexing the district. The Commandant then makes a speech, in which he explains that the people must now obey the Free State laws generally, though they are at present under martial law. A local Landdrost is appointed, and loyal subjects are given a few days or hours in which to quit, or be compelled to serve against their country. In either case they lose their property to a greater or less extent. If they elect to quit they are often robbed before starting or on the journey; if they stay their property and themselves are commandeered.

The number of rebels who have actually taken up arms and joined the enemy during their progress throughout the five annexed districts can for the present only be matter of conjecture. I shall, however, be on the safe side in reckoning that during November it was a number not less than the total of the invading commandos, that is, 2,000, while it is probable that of the invading commandos themselves a certain proportion were colonists who had crossed the border before the invasion took place. And the number, whatever it was, which joined the enemy before and during November has been increased since.

A well-informed refugee from the Albert district has estimated the total number of Colonial Boers who have joined the enemy in the invaded districts south of the Orange River at 3,000 to 4,000. In the districts north of that river, to which I referred at the beginning of this despatch, the number can hardly be less. Adding to these the men who became burghers of the Transvaal immediately before, or just after, the outbreak of war, with the view of taking up arms in the struggle, I am forced to the conclusion that, in round figures, not less than 10,000 of those now fighting against us in South Africa, and probably somewhat more, either are, or till quite recently were, subjects of the Queen.

No. 2.

Governor Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 12.45 p.m., 28th April, 1900.)

Telegram.

(Extract.)

28th April. No. 276.—Ministers have just submitted Minute proposing appointment of Judicial Commission for trial of persons indicted for high treason. Following is important passage verbatim :—

Begins: Members of proposed Tribunal should, in the opinion of Ministers, receive Special Commission from the Governor with advice of Executive Council, and should comprise two Judges of Supreme Court and a Barrister of such antecedants as Secretary of State for Colonies suggests and of not less than ten years' standing.

The Commission thus constituted should be vested with all the powers of a Judge of Supreme Court presiding over a Jury in criminal cases as well as with the functions of a Jury save that a verdict by a majority of the members should suffice.

The sentences should be such as are allowed by the law in force in this Colony.

The control of all prosecutions before such Commission should be vested in Attorney-General who would present indictments against all persons who have been committed for trial after preparatory examination held by the ordinary procedure and who fall within the class or list of persons whom, with approval of Her Majesty's Government, it may have been decided to bring to trial.

Ministers propose to submit early in the next Session of Parliament a measure giving effect to their recommendations on the above subject. *Ends.*

No. 3.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12 midnight, May 1, 1900.)

TELEGRAM.

1st May. No. 283. I have received a long Minute from Ministers requesting me to represent to Her Majesty's Government their views as to treatment of rebels.

After pointing out that insurrection was consequence of invasion and in general subsided as soon as invading force was withdrawn and that it was accompanied by few, if any, cases of personal outrage or murder, and no great amount of destruction of private property, they express their confidence that Her Majesty's Government will not desire to embrace in any general proscription the majority of those misguided men who have joined ranks of rebels. They submit that the ends of justice would be served by the selection of a number of the principal offenders whose trials would mark the magnitude of their offence, and whose punishment if found guilty would act as a deterrent. For the remainder they believe that interests of sound policy and of public morality would be served if Her Majesty's Government were to issue, as act of grace, Proclamation under which, upon giving proper security for their good behaviour, all persons chargeable for high treason, except those held for trial, might be enlarged and allowed to return to their avocations. They urge such a step not only on ground of natural desire for clemency of Her Majesty the Queen, but from a deep sense of importance of such a step to future well-being of country.

The arguments that follow may be summarised thus: (1) Necessity of uniting white races in view of large and increasing barbarian population. (2) Majority of Dutch population have shown commendable self-restraint, and upon this loyal majority policy of well-considered clemency would have best possible effect. (3) Example of Lower Canada in 1837-8, when moderation of policy adopted very conspicuous and attended by happiest results. Cape rebellion of milder type than Canadian rebellion, which was attended by dreadful murders and outrages.

Ministers conclude by pointing out agitation and unrest due to uncertainty as to fate of those who have taken part in rebellion and respectfully urge authoritative expression of views of Her Majesty's Government earliest possible date.

Annexed to Minute is exhaustive Memorandum on Canadian rebellion with long extracts from the despatches of Lord Glenelg and Lord Durham at that date.

No. 4.

Mr. CHAMBERLAIN to Governor Sir ALFRED MILNER.

(Sent 1 a.m., May 5, 1900.)

Telegram.

4th May. No. 3. Her Majesty's Government have carefully considered your telegram of 1st May, No. 283.*

They sympathize with the objects expressed in the Minute of your Ministers. They are assured that the people of this country are animated by no vindictive feelings towards those who have been or are in arms against Her Majesty's forces whether enemies or rebels.

Their principal desire is that when the war is over the racial and other animosities which existed before or which have been called out by it shall at the earliest possible moment disappear and be succeeded by harmonious co-operation between those who have to live together in South Africa.

But in pursuing this object the sentiments of both sides must be taken into consideration, and while on the one hand the worst results may be anticipated from any display of a revengeful policy on the part of loyalists, not less serious consequences would ensue from the rankling sense of injustice which would follow, upon a policy which would actually place rebels in a better position after the struggle was over than those who have risked life and property in the determination to remain loyal to their Queen and flag.

Clemency to rebels is a policy which has the hearty sympathy of Her Majesty's Government, but justice to loyalists is an obligation of duty and honour.

The question is how can these two policies be harmonized.

It is clear that in the interest of future peace it is necessary to show that rebellion cannot be indulged in with impunity, and above all that if unsuccessful it is not a profitable business for the rebel.

Otherwise the State would be offering a premium to rebellion. The present moment, therefore, while the war is still proceeding, and while efforts may still be made to tempt British subjects into rebellious courses, is in any case not appropriate for announcing that such action may be indulged in with absolute impunity. And if, as has been suggested, a great many of the Queen's rebellious subjects are the mere tools of those who have deceived them, it is important that these should be made aware individually that whatever their leaders may tell them rebellion is a punishable offence.

Up to this time very lenient treatment has been meted out to rebels. Although, according to the Law of the Cape Colony and under Martial Law the punishment of death might have been inflicted, in no case has any rebel suffered the capital penalty, and the vast majority have been permitted for the present to return to their homes and to resume their occupations.

There are many degrees in the crime of rebellion.

Her Majesty's Government desire that in any case means shall be found for dealing effectually with: (1) The ringleaders and promoters; (2) Those who have committed outrages or looted the property of their loyal fellow subjects; (3) Those who have committed acts contrary to the usages of civilized warfare, such as abuse of the white flag, firing on hospitals, &c.

There remain (4) Those who, though not guilty of either of those offences have openly and willingly waged war against Her Majesty's forces; (5) Those who confined themselves to aiding Her Majesty's enemies by giving information or furnishing provisions; and (6) Those who can satisfactorily prove that they acted under compulsion. In the opinion of Her Majesty's Government a distinction ought to be if possible drawn between these different classes.

Her Majesty's Government recognize the difficulty of indicting for high treason all who have taken part with the enemy, and they would suggest for the consideration of your Ministers the expediency of investing either the Special Judicial Commission

* No. 3.

which, as stated in your telegram of 28th April, No. 276,* is contemplated by your Ministers, or a separate Commission, with powers to schedule the names of all persons implicated in the rebellion under the various heads indicated above.

It would be necessary to decide beforehand how the different categories should then be dealt with.

As regards 1, 2, and 3, they would, of course, be brought before the Judicial Commission and tried by them.

Might not 4 and 5 be allowed to plead guilty, and be thereupon either sentenced to a fine carrying with it disfranchisement, or released on recognizances, to come up for judgment when called upon, this also to involve disfranchisement; while 6 might be subjected to disfranchisement alone.

Her Majesty's Government offer these as suggestions for the consideration of your Ministers.

In regard to the reasons urged by your Ministers in favour of a general amnesty, Her Majesty's Government would point out that they are of a highly controversial character, and it is impossible to discuss them fully at a moment when an indication of the views of Her Majesty's Government is urgently required. Her Majesty's Government would only observe that the policy which they have indicated in this telegram appears to them to be one not merely of justice but of clemency which the whole white population of the Colony might well accept as satisfactory, and which should not, any more than the ordinary administration of justice, encourage the natives to think that the two white races are permanently disunited, while with especial reference to the third reason, it may be observed that the expediency of the action to be taken in such cases depends upon circumstances which must vary greatly according to date and locality. In Lower Canada in 1837-38 there was a revolt during peace against the Queen's authority, founded on grievances under constitutional conditions which were recognized as unsatisfactory by the Government of the day and altered by subsequent legislation. In the Cape there has been adhesion to the Queen's enemies during war by those who have not even the pretext of any grievance, and who have for a generation enjoyed full constitutional liberty. In Canada the insurrection was never a formidable one from a military point of view, in the Cape it has added very largely to the cost and difficulty of the war and has entailed danger and heavy loss on Her Majesty's troops.

No. 5.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 7, 1900.)

SIR, Government House, Cape Town, April 17, 1900.

I HAVE the honour to enclose, for your information, a copy of a Minute from Ministers, forwarding a letter from Mr. A. S. Du Plessis, M.L.A., on the subject of the treatment of rebels, and copy of my reply.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 5.

MINISTERS to GOVERNOR.

(Minute.)

Prime Minister's Office, Cape Town, April 11 1900.

Ministers have the honour to transmit for the information of His Excellency the Governor and High Commissioner a copy of a letter dated the 2nd instant, which has been received from Mr. A. S. du Plessis, Member of the Legislative Assembly, stating his opinion that most of those Colonists who have thrown in their lot with the allied Republics have been induced to do so through force of circumstances, and urging that they be treated with indulgence and consideration.

A copy of the reply which has been sent to Mr. du Plessis is also attached for the information of His Excellency.

---

* No. 2.

(Translation.)

DEAR MR. SCHREINER, Wildebeestkuil, April 2, 1900.

Now that men everywhere demand in very bitter tone that the so-called rebels shall be punished to the very utmost, I ask pardon for taking the liberty of bringing certain facts in connection with this sad matter to the notice of our High (Commissioner ?).

As previously stated by me per telegram, it is my humble opinion, taking into consideration the very exceptional circumstances and great provocation to which our people here on the borders have been subjected, that it will not only be just and equitable, but also (for the sake of the future welfare of our Government and of the land) very necessary to treat with much indulgence and to extend great consideration to those poor people who, not from aversion to British rule or a desire for a change of Government, but through the stress of circumstances and in despair, have been brought into the wrong road, as I wish to demonstrate by certain facts:—

1. In the first place, I wish to recall to mind how our border districts were for months long without any protection. The Republics took possession, occupied, administered, and compelled the people either to withdraw or to assist them. There was no choice whatsoever for these poor folk, who had no one with whom to consult.

2. Then, again, the people were driven to despair, and much distrust was caused by reason that men believed that there was no reason for war with the Republics, if it was not for the purpose of the annexation thereof. Although contented with British rule, the people felt most strongly that their relations would be deprived of their freedom against their will. Connected with this, the perpetual suspicion and bitterness of the jingoes and the "Yellow" Press.

The fact that the troops were placed at Stormberg, Naauwpoort, &c., instead of on the borders.

The practical disarmament of the whites and the arming of the kaffirs.

The assertion that His Excellency, our highly-respected Governor, would think of pursuing a policy having for its object the entire suppression of the Dutch Afrikanders.

The frequent *arrests* and confiscation of property, &c., &c.

All this contributed towards a feeling of suspicion, alarm and insecurity. The people were driven to despair. I think of the anxious faces (of those) either fleeing in dread of arrest by the military without form or process, or seeking advice in order to escape the commandeering of the burghers.

My heart bleeds for these poor people who, like forsaken sheep, flee hither and thither. My dwelling-house is just on the border. I did what I could towards a maintenance of and encouragement to loyalty, although I regret to say that I did not consider myself every day to be quite safe. Alas, whatever was done by the Proclamations of His Excellency and by myself (however slight also) in order to inspire confidence, was mostly again undermined by what the people experienced on the part of the military, by name the Cape Police or other Colonial Corps.

Consequently, taking all things into consideration, although rebellion is a serious crime, and I do not in any way whatsoever wish to plead for wilful rebels, it is still my humble opinion that, with the serious provocation before our eyes, under these exceptional circumstances it will not be desirable to take too severe and rigorous measures against these poor, mostly misguided people. At the same time it appears to me to be undesirable to have these questions decided by a jury taken from districts where political hatred has reached its highest point.

3. May I also point out to you, respected Sir, still another grievance for redress, if possible? Everywhere in the districts occupied by the Free State and in districts bordering thereon, as, for example, Burghersdorp, Steynburg, Molteno, &c., many are being arrested for high treason who, although not giving armed help to the enemy, yet, as being more or less the leaders of insurrection, were denounced by hostile neighbours.

Now, no one would have any right to object to such accusations being properly inquired into and the guilty punished, but what occasions much bitterness is that respectable, often innocent, persons are arrested, that no bail is allowed, and that the preliminary inquiry is held with closed doors, without such persons having the right to take an attorney with them.

People are treated like ordinary convicts, and only after the preliminary inquiry is bail perhaps allowed, or, what is worse, if there is no evidence against anyone, he is, after being treated as a convict, simply released. I wish only to mention the case of

Mr. Gert Kruger, here, who last week was placed in gaol for a night, and then released without anything having been brought against him.

It is therefore very desirable that suspected persons be tried in the ordinary manner under summons (warrant), and instead of being confined, being placed on bail.

Trusting that our Government will forgive my frankness and the liberty I take, seeing that I, being acquainted with all the circumstances, regarded it as my duty to approach you with these humble reasons in the earnest hope that they will be taken into serious consideration.

With respect, &c.,
A. S. DU PLESSIS.

The Honourable W. P. Schreiner,
Premier, Cape Town.

DEAR SIR, Prime Minister's Office, Cape Town, April 11, 1900.

IN acknowledging the receipt of your letter of the 2nd instant, I am directed by Mr. Schreiner to state in reply that, convinced as he is of the very good services rendered by you during the past months in aiding in preserving your district from disorder, he feels that your views and representations are entitled to serious consideration, and he will accordingly transmit a copy of a translation of your letter for the information of His Excellency the Governor and High Commissioner.

The Prime Minister will also lay your communication before his colleagues, and it will be borne in mind in the deliberations of the Cabinet upon the important subject of which it treats.

Yours, &c.,
J. D. CORMACK,
Private Secretary.

A. S. du Plessis, Esq., M.L.A.,
Wildebeestkuil,
Steynsburg.

Enclosure 2 in No. 5.

GOVERNOR to MINISTERS.

(Minute.)

April 17, 1900.

The Governor and High Commissioner has the honour to acknowledge the receipt of Ministers' Minute No. 1/117 of the 11th instant.

The Governor quite agrees that Mr. Du Plessis's representations are entitled to every consideration, and, if any case is brought to his notice, in which it is alleged that persons are detained awaiting trial without sufficient grounds for suspecting them of wrong-doing, or that bail is refused where it can be reasonably asked and safely granted, he will bring the matter under the notice of the military authorities.

With regard to the treatment of rebels, the Governor would point out that Mr. Du Plessis's statement of the case is, perhaps not unnaturally, somewhat one-sided. If there should prove to be a few cases of people arrested on unjustified suspicion—a circumstance to be regretted, but, under the circumstances, hardly, by any possible degree of care and caution, to be avoided—it is right to remember on the other hand that the rebels as a whole have been treated with remarkable leniency in being allowed to return to their homes, pending the consideration of their case, instead of all being arrested. The number of arrests, though in itself large, is very small compared to the total number of those who have admittedly taken up arms against the Government. And even of those arrested many have been, and a good many more doubtless will be, admitted to bail.

Whatever excuses there may be for those who are ultimately brought to trial and no one can be more anxious that such trial should be an absolutely fair one than the Governor is—these excuses will doubtless be fully urged and impartially considered. There is much in what Mr. Du Plessis urges in mitigation of their conduct, with which the Governor is unable to agree. But he does not wish to prejudge a case which has yet to be brought before a properly constituted tribunal. Neither does he desire to deal with this grave matter in a controversial spirit. While he differs, perhaps widely, from Mr. Du Plessis in his view of the facts, he is glad to feel that, on the question of principle, there is substantial agreement. Mr. Du Plessis states that "no one would

have any right to object to such accusations being properly enquired into, and the guilty punished." and that is precisely the course which the Governor desires to see adopted.

The Governor would be glad if a copy of this Minute could be forwarded to Mr. Du Plessis.

A. MILNER.
Governor and High Commissioner.

No. 6.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 19, 1900.)

SIR, Government House, Cape Town, May 2, 1900.

I HAVE the honour to inform you that on receipt of your secret despatch of the 10th of March,* respecting the procedure to be adopted for the trial of rebels, and for investigating claims to compensation for losses sustained by individuals in consequence of the war, I addressed to Ministers a Minute, of which I enclose a copy.

Ministers have sent me two Minutes in reply, dealing with these questions separately. I enclose a copy of their Minute with respect to the trial of rebels, of which I sent you an extract in my telegram of the 28th April, No. 276,† and I shall forward a copy of their Minute on the subject of compensation in another despatch, in order that the two questions may be kept distinct.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 6.

GOVERNOR to MINISTERS.

(Minute.)

April 14, 1900.

The Governor and High Commissioner has the honour to inform Ministers that he is in receipt of a despatch from the Secretary of State with reference to two questions of great importance arising out of the recent invasion of, and rebellion in, certain portions of the Colony. These questions are (1) the compensation of loyal subjects for losses sustained by them in consequence of such invasion or rebellion, and (2) the course to be adopted with regard to those who have taken up arms against Her Majesty, or otherwise assisted the enemy.

With reference to these matters the Secretary of State writes as follows:—

"With regard to the first point, it has already been made known that fair compensation for any actual injury done to individuals because of their loyalty will be exacted, but there may be great delay in obtaining and settling this compensation, and the sufferers may be ruined before redress is forthcoming.

"It will also be necessary to guard against fraudulent or excessive claims which may be presented not only by some who are entitled to consideration, but even by those who have been in arms against the Crown, or have assisted and sympathised with the enemy.

"These considerations lead me to enquire whether, in your opinion, as soon as any district which has been invaded or has been the scene of rebellion is clear of the enemy, or sufficiently reduced to order, a Commissioner or Commissioners might not be appointed to visit the district, and to receive and consider claims for compensation. Such Commissioners would inspect the properties alleged to have been injured, take evidence, and report the amount of compensation, if any, which in their opinion is fairly due in each case.

"The report of the Commissioners having been made, the next question is, how it should be dealt with. The most convenient as well as the most proper course would,

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* Not printed, but *see* Enclosure 1. † No. 2.

in my opinion, be for the Colonial Governments forthwith to pay the certified amounts to those colonists, subject, of course, to any further examination that they may desire to make into the figures. But if the amounts are not disputed, the payments should be immediate, and made by the Colonial Governments.

"In the event of the amounts thus payable being greater than the funds for the time being at the disposal of the Colonial Government could meet, Her Majesty's Government might assist the Colony by a guarantee or loan at low rate of interest, recognising that it would have a preferential claim for repayment out of the indemnity to be ultimately exacted from the Republics.

"I assume that Mr. Schreiner, having countersigned your Proclamation of the 17th November, promising compensation, will not refuse to take the responsibility of providing for the immediate and urgent claims of those who, through their loyalty, have suffered by the war.

"The second point for consideration is the punishment of rebels.

"Here the first difficulty which arises is how to obtain sufficient and trustworthy evidence. This can only be gained on the spot, except in the case of those who may be taken prisoners during the war.

"Many Colonists who have been openly disloyal will not have actually joined the enemy in arms, although they may have assisted them; or if they have joined them, they may have returned to their homes before the end of the fighting. The necessary proof of their guilt must therefore be obtained by local inquiry, either by the Commission which I have already suggested or by special Commissioners appointed for this purpose.

"Another point which presents difficulty is that when the evidence has been obtained, in those cases where it has been decided to prosecute, the accused will have to be tried either by Court Martial or by the ordinary Courts. If by Court Martial, the sentence passed will come to an end concurrently with the termination of the state of Martial Law. The moment Martial Law comes to an end, the prisoners must, in the absence of special legislation prolonging their sentences, be released. If the trial is by ordinary Courts, the question arises whether there is any security that justice will be done if the juries are drawn from the district where the offence has been committed, or from other places where sympathy is felt for the prisoners.

"It has occurred to me that these difficulties may be met in one of two ways:—

"(1). Martial Law could be maintained in any rebellious district for a prolonged period—correspondinfg, if necessary, to the currency of the longest unexpired sentence inflicted within such district. This is an extreme course, and obviously open to various objections, and one which I should not desire to see taken, unless no other arrangement could be made.

"(2). But if your Government agree, I think the requirements of the case might be met by the appointment of a Special Judicial Commission to visit the districts involved in the rebellion, and to try all persons whom it is decided to prosecute. Such a Commission might consist of three lawyers, one of whom should be selected on the ground that his political or other antecedents are likely to inspire confidence in the freedom of the Court from all bias against the accused.

"In order to be able to pass valid sentences, the Commission would need to be invested with statutory powers, and as it may be desirable that it should commence its labours at an early date, without waiting for the passing of the necessary Act, it might, if your Ministers agree, conduct the first part of its enquiry in an area still under Martial Law, the proceedings so conducted being subsequently validated by the Act establishing the Commission.

"I shall be obliged by your carefully considering the above proposals, which I am disposed to think would, if successfully carried out, greatly expedite the settlement of the disturbed districts by securing, without the long delays that must otherwise occur, fair compensation to deserving loyalists, and the just punishment of rebels within the Colony."

The Governor has no doubt that the questions referred to by the Secretary of State have already engaged the earnest attention of Ministers, and he will be glad to be favoured with a statement of their views on the subject.

A. MILNER,
Governor and High Commissioner.

Enclosure 2 in No. 6.

MINISTERS to GOVERNOR.

(Minute. No. 1/135.)

Prime Minister's Office, Cape Town, April 27, 1900.

In connection with their Minute, No. 1/133, of the 27th instant, and in further reply to the confidential Minute of His Excellency the Governor and High Commissioner of the 14th April, 1900, discussing the questions of compensation and punishment of rebels, Ministers have the honour to state that the question raised by the Right Honourable the Secretary of State for the Colonies regarding the tribunal for the trial of those persons who have taken up arms against Her Majesty, or otherwise assisted the enemy, has received their earnest attention.

Ministers have reluctantly come to the conclusion that, owing to the unprecedented condition of affairs in South Africa, and especially having regard to the strong racial feeling which exists, it is not in general desirable to hold trials by jury of persons indicted for high treason. It would be manifestly unfair to the Crown to hold such trials in the districts in which the offences have been committed, where the jury would be drawn from men of the same race, often akin or connected by marriage, and in many cases in strong sympathy with the accused; and, on the other hand, there are evident and insuperable objections to holding trials involving nice issues of fact and intent in places where the juries would be almost exclusively drawn from the political opponents of the accused.

Ministers have come to the conclusion that, in all the circumstances, it is necessary that a special tribunal should be established for the trial of such persons as may be indicted on a charge of high treason.

Ministers have the strongest objection to the trial of these persons by Courts Martial. Such Courts are not legally established; their sentences require to be confirmed by Act of Parliament to give them validity; and their ordinary constitution and procedure, strange and unfamiliar to this country, cannot, however carefully regulated, be expected to inspire that confidence which it is of the first importance should be universally given to Courts dealing with grave State trials. After the suppression of rebellion, when the ordinary Courts of the land are open, and ordinary process may be served without difficulty, the continuance of such Courts is, in the opinion of Ministers, unjustifiable, and has indeed been denounced in the strongest language by judges both in England and America.

Ministers consider that, in the peculiar and difficult circumstances of the time, a Judicial Commission for the trial of persons indicted for high treason should be established by Statute. The members of the proposed tribunal should, in the opinion of Ministers, receive special commissions from His Excellency the Governor, with the advice of the Executive Council, and should comprise two Judges of the Supreme Court, and a barrister of such antecedents as the Right Honourable the Secretary of State suggests, and of not less than ten years' standing. The Commission thus constituted should be vested with all the powers of a Judge of the Supreme Court presiding over a jury in criminal cases, as well as with the functions of a jury, save that a verdict by a majority of the members should suffice. The sentences should be such as are allowed by the law in force in this Colony. The control of all prosecutions before such Commission should be vested in the Honourable the Attorney-General, who would present indictments against all persons who have been committed for trial after preparatory examination held by the ordinary procedure, and who fall within the class or list of persons whom, with the approval of Her Majesty's Government, it may have been decided to bring to trial.

Ministers propose to submit early in the next session of Parliament a measure giving effect to their recommendations on the above subject.

While dealing with this topic, however, Ministers must point out to His Excellency that, in order that these trials may be held as soon as possible, it is highly desirable that the ordinary procedure should at once commence in those districts in which Martial Law still prevails, of holding in each case a preparatory examination into all charges preferred against persons arrested by the military authorities, including those against whom the Magistrates in those districts, after the unofficial preliminary investigation which has in many cases been already made by them, have advised that criminal proceedings should be instituted.

W. P. SCHREINER.

No. 7.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 19, 1900.)

SIR, Government House, Cape Town, May 2, 1900.

I HAVE the honour to transmit to you, for your consideration, a copy of a minute from Ministers, respecting the treatment of rebels in this Colony.

A summary of the minute was communicated to you in my telegram, No. 283, of the 1st instant.*

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 7.

MINISTERS to GOVERNOR.

(Minute. No. 1/137.)

Prime Minister's Office, Cape Town, April 28, 1900.

In approaching Her Majesty's Government through His Excellency the Governor and High Commissioner on the subject of the treatment of those misguided inhabitants of this Colony who have recently risen in rebellion, Ministers do not apprehend that their representations will be held to be either untimely or uncalled for in the face of the demands for a policy of vengeance and of reprisal, which is, they feel convinced, equally opposed to British precedent and to the wishes of Her Majesty's Government.

2. Into the history and the causes of the recent unfortunate events it is not the place or the occasion to enter. The insurrection broke out in certain districts in Colonial territory upon the invasion of the Republican forces then engaged in war with Her Majesty, and in general it has subsided as soon as those forces were withdrawn.

3. It was accompanied by few, if any, cases of personal outrage or murder, and by no great amount of destruction of private property. In other respects wholly inexcusable, in those just recounted it differed very widely from other similar outbreaks, happily few in number, which have occurred in other countries under the British flag.

4. Whatever matter for congratulation may be found in the fact that this Colony has not to mourn the outrages that have elsewhere marked civil risings, the deplorable fact remains that several thousands of the subjects of Her Majesty have thrown off their allegiance, taken up arms against the Government of the Queen, and have been in armed conflict with the forces of Her Majesty.

5. By so doing they have undoubtedly rendered themselves liable to the pains and penalties of high treason, and the question of dealing with the offenders is one that calls for the gravest and most serious consideration.

6. Ministers are confident that Her Majesty's Government will not in any way desire to embrace in a general proscription the majority of those misguided men who have, from one motive or another, been induced to join the ranks of the rebels. The universality of such a punishment would rob it of its deterrent effect by converting the grave sentence of the law into the semblance of a measure of political vengeance.

7. Feeling assured, therefore, that those principles of justice tempered with mercy that have marked British policy elsewhere, and that have contributed in so great a measure to the stability of British rule, will on the present occasion be followed in South Africa, Ministers submit that the ends of justice would be served by the selection of a certain limited number of the principal offenders, whose trials would mark the magnitude of their offence, and whose punishment, if found guilty, would act as a deterrent. For the remainder, Ministers believe that the interests both of sound policy and of public morality would be served if Her Gracious Majesty were moved to issue, as an act of grace, a Proclamation of amnesty under which, upon giving proper

* No. 3.

security for their good behaviour, all persons chargeable with High treason, except those held for trial, might be enlarged and allowed to return to their avocations.

8. Ministers urge such a course not only on the ground of that natural desire for clemency towards her erring subjects which they feel sure would spring from Her Gracious Majesty, but from a deep sense of the importance of such a step upon the future well-being of this country.

9. In South Africa the European race, in a minority of not less than one to four, has to face a large and increasing barbarian population. The problems arising out of this state of affairs, always changing as one or another coloured race advances in material prosperity and in acquaintance with the arts of civilisation, tend to increase rather than diminish in importance.

10. In the interests, therefore, of civilisation in South Africa the union of the two European races that make up the bulk of the white population, a union to which nothing either in race or in religion offers an insuperable obstacle, becomes of the last importance, and everything that accentuates any divergence which arises out of quarrels that are after all ephemeral, is doubly unfortunate in the face of the great struggle between civilisation and barbarism that is the lasting inheritance of the European in South Africa.

11. The number of insurgents, though considerable, is after all a small minority of the Dutch-speaking Colonists, who have shown a commendable self-restraint under a strain accentuated by the acrimony of political controversy. Upon this loyal majority a policy of well-considered clemency would, Ministers feel assured, have the best possible effect, while they cannot conceal their opinion that anything like an indiscriminate measure of punishment would leave behind it bitter memories, and tend to widen those differences between the sections of the European race that it is the aim of wise statesmanship to obliterate as speedily as possible.

12. In this connection Ministers venture to draw the attention of His Excellency to the case of Lower Canada, and they take leave to enclose a memorandum, with annexures, which they have had prepared, dealing with the events subsequent to the rebellion in that Colony during the years 1837-1838.

13. The moderation which marked the policy adopted by Her Majesty's Government and by Lord Durham on that occasion was very conspicuous, and it has since been attended by the happiest results, notwithstanding the fundamental differences in race and in religion that existed between the two branches of the European stock whom it was then sought to harmonise, as well as the dreadful murders and outrages by which the outbreaks were unhappily attended.

14. In these respects the insurrection at the Cape has fortunately been of a much milder type, and the application of the Canadian precedent would seem to be on every ground justified.

15. The broad and well-considered policy of leniency and of conciliation that under Lord Durham marked the opening years of the reign of Her Gracious Majesty the Queen in Canada has not indirectly led to the strength and permanence of British rule in one quarter of the globe. Ministers would fain hope that the adoption of the same principles in South Africa during the later years of that auspicious epoch may pave the way for the fusion of races so indispensable to the cause of civilisation and progress.

16. In conclusion, Ministers would only take leave to add that the agitation and unrest in the public mind arising out of the uncertainty in respect of the treatment of those who have taken part in the insurrection tends to retard the settlement of the country, and to keep alive a most undesirable feeling of excitement and irritation. Ministers would therefore with all respect ask His Excellency to urge upon Her Majesty's Government the necessity for some authoritative expression of their views at the earliest possible date.

W. P. SCHREINER.

MEMORANDUM on the course adopted towards Rebels in Canada, 1837-1838.

April 27, 1900.

It is unnecessary for the purpose of tracing the mode of dealing with those guilty of the crime of rebellion or high treason in Canada to give any history of the causes which led up to the rebellion in Upper and Lower Canada.

In both cases the disturbance had its origin in a conspiracy for the redress of

grievances which were more or less well-grounded, and recognised as being so by the reforms which followed the outbreaks.

2. In Upper Canada the leaders of the revolt, as well as their followers, were chiefly of English descent, aided by subjects of the United States, which formed the base of the operations which soon degenerated into something closely akin to piracy and mere predatory inroads.

3. In Lower Canada the movement was to a great extent a racial one, though among the principal leaders were several of British descent, and the operations, as in Upper Canada, were largely dependent on the proximity of the United States and the assistance and countenance of the citizens of that country.

4. In Lower Canada, however, the rank and file of the insurgents belonged to the poorest and most ignorant of the French-Canadian peasantry (habitans).

5. The outbreak was accompanied by some deplorable cases of murder and outrage, and latterly degenerated into a number of mere piratical inroads from the territory of the United States.

6. Active operations on anything like a large and organised scale in Lower Canada were confined to two actions—one at St. Denis, under the leaders W. Nelson and Papineau, on the 23rd November, 1837, in which the troops were repulsed, and another at St. Charles, a few days afterwards, where a strong force of insurgents, commanded by "General" Brown, were defeated with heavy loss, 150 being killed and 300 wounded.

7. This defeat broke the neck of the rebellion, and on hearing the result the rebels at St. Denis dispersed, Papineau and Nelson escaping to the United States territory.

8. The military forces were commanded by General Sir John Colborne, Lord Gosford being the Governor.

9. In December, 1837, after the events above alluded to, a commission authorising Sir J. Colborne to exercise Martial Law in the district of Montreal was issued by the Governor, and in the letter conveying the commission the following passage occurs:—

"I have it in command from His Excellency to instruct you that in all cases wherein the unlimited power with which you are now invested can be exercised in co-operation with or in subordination to the ordinary laws of the land, and that in all cases where, from local circumstances or from a prompt return to their allegiance, the deluded inhabitants of any part of that district display an honest contrition for their past offences, you will revert at once to the assistance of the civil authorities, and impress upon a misguided people the conviction that Her Majesty's Government in this Province is equally prompt to pardon the repentant and to punish the incorrigible. These instructions will alleviate in some degree the apparent severity of a measure which the present painful emergency imposes on His Excellency, and will relieve you from any responsibility that might otherwise arise out of the exercise on all fitting occasions of that leniency which His Excellency feels assured is so congenial to your feelings."

10. On the 24th January, 1838, Sir J. Colborne addressed a despatch to Lord Glenelg, then Secretary of State for the Colonies, in which he points out the great necessity for the trial of the prisoners apprehended by him, and encloses opinions from the Law Officers that these persons "could not with justice to the public, or without danger to the Provinces, be tried by the ordinary tribunals of the country, nor could they be tried, under existing circumstances, by a court martial without a legislative enactment."

Inclosure No. 1.

11. Lord Gosford was subsequently removed, and the government of Lower Canada vested in Sir J. Colborne, pending the arrival of Lord Durham, whose appointment, together with the provisions of the Lower Canada Act (10th February, 1838), were elaborately explained in a despatch from Lord Glenelg, dated the 19th February, 1838. This document contains a reference to the political prisoners which, by anticipation, answers Sir J. Colborne's enquiry of the 24th January.

Inclosure No. 2.

12. On the 19th March Lord Glenelg again reverted to this question, and answered fully the despatch of Sir J. Colborne of the 24th January, respecting the trial of offenders. In so doing he emphasised the dislike of Her Majesty's Government to any change of tribunal, for offences previously committed, which would "infringe the principles upon which the administration of the Criminal Law is guided throughout the British Dominions," without previously submitting to a practical test the anticipations as to the issue of trials by the ordinary tribunals. He also emphasises the

objection to the change of place of trial, and urges the necessity for maintaining a distinction between political offences and crimes against public order, as robbery and murder.

13. In acknowledging this despatch on the 2nd May, 1838, Sir J. Colborne writes, " I am so fully convinced (as well as the whole of the Executive Council) of the inexpediency of bringing the prisoners before the ordinary tribunals, either in this district or in Quebec, that I should hesitate in carrying into effect your instructions; but particularly when I have reason to believe that Lord Durham will in a few weeks be induced, from the information he may collect, to take the same view of the question on which the future tranquillity of Canada may depend." He accordingly announced his intention of leaving the question open until the arrival of Lord Durham, and adds that he will in the meantime endeavour to reduce the number of prisoners under detention.

14. Lord Durham arrived in Canada on the 27th May, 1838. Among the voluminous instructions issued to him on the subject the treatment of prisoners was not overlooked, and there is an amplification of the views laid down in the despatch to Sir J. Colborne. A copy of this part of the instructions is annexed. Enclosure No. 3.

15. On the 29th June Lord Durham, in a despatch to Lord Glenelg, enters fully into the difficulties of the position, and announces his decision and the measures adopted by him in respect of the prisoners charged with high treason. These measures embraced an Ordinance passed by the Special Council, providing for the complete amnesty of all offenders upon their giving proper security for good behaviour, with the exception of eight who were named, who had pleaded guilty, and who were banished to Bermuda for four years, and of fifteen others, including the late Speaker of the House of Assembly, Papineau, and four other members of that body, who had fled to the United States. The Ordinance enacted further that if either the persons sent to Bermuda or those who had fled from justice returned to Canada without permission they should, *ipso facto*, become liable to the punishment for high treason. The Ordinance further excepted from amnesty persons concerned or suspected of being concerned in certain murders, and those who had aided or abetted the escape of one of the said murderers from justice. The actual proclamation of amnesty was issued in the name of the Queen, and accompanied the Ordinance that laid down the limitations. Enclosure No. 4. Lord Durham's Despatch Enclosure No. 5A. Enclosure No. 5B.

15. The action of Lord Durham met with the approval of Lord Glenelg, " subject to legal objections which may possibly occur." It was, however, assailed in the House of Lords with extraordinary virulence, the attack being led by Lord Brougham. The defence of the Government was somewhat half-hearted, and they virtually allowed their policy to be dictated by the Opposition, and the Ordinance was disallowed. The circumstances attending this action were communicated to Lord Durham in a reasoned despatch, which labours to remove the undoubtedly painful impression caused by the desertion of a public servant called to discharge duties of a most delicate kind in the face of grave difficulties. Enclosure No. 6. Lord Glenelg's Despatch

17. The result of the disallowance of the Ordinance, combined with the proclamation of amnesty, which was approved, in the opinion of Lord Durham which he made public, practically relieved from the consequences of their acts all the leaders in the late rebellion. Though the Law Officers in England did not agree in this view, the action of the Governor openly taken caused serious embarrassment, and no further action seems to have been taken on a proposal of Lord Glenelg's that the Act of Habeas Corpus should be suspended, with a view of preventing their return to Canada.

18. The action of the Home Government was bitterly resented by Lord Durham, who, on the 28th September, wrote a despatch traversing the whole legal issue raised by Lord Glenelg, and accompanied it with another despatch, in which, at great length and extreme strength of language, he defended his action, and, while pointing out the evil consequences likely to ensue from the action of the Government, took occasion to resign his office. Enclosure No. 7.

19. He did even more, for a few days afterwards he took the opportunity of the presentation of certain addresses of confidence by the different sections of the community to emphasise with great vigour his sense of the conduct of the Home Government and his differences with them. The notification of the disallowance of the Ordinance dealing with the prisoners, and the publication of an Act passed by the British Parliament indemnifying those who were concerned in passing the Ordinance for the consequences of their acts, which became illegal by its disallowance, was made

the occasion for a long and detailed recital of all the grievances of the Governor-General, couched in language plain even to the length of insubordination.

20. The action of Lord Durham led to his immediate recall, but before the despatch conveying this reached Canada he had left the Province, after a tenure of office of only six months. The political questions raised by his mission, though of great interest and of extraordinary importance in their bearings on the future of the Empire, are not pertinent to the question immediately at issue in the treatment of criminals guilty of treason.

21. Shortly before Lord Durham left Canada the murderers of Weir and Chatrand, who had been specially exempted from amnesty, were brought to trial before an ordinary jury, with the result of a complete miscarriage of justice. In the case of Weir the principal witness was kept out of the way, and in that of Chatrand a verdict of acquittal was given in the face of the clearest evidence. The result of these trials forced upon Lord Durham the conviction that in all such cases a resort to the ordinary jury system was hopeless, and, as he expressed himself in a despatch, "trial by jury exists only to defeat the ends of justice and to provoke the righteous scorn and indignation of the community."

nclosure o. 8.

22. Under such circumstances Lord Glenelg had no alternative but to authorise the passage of an Ordinance by the Special Council of Canada, constituting a tribunal for the trial of cases of treason and murder. In communicating this decision Lord Glenelg urged that action should be taken forthwith in order to avoid the objection of creating an *ex post facto* law.

nclosure o. 9.

23. Early in November an outbreak of the rebellion again took place, organised and directed from the territory of the United States. Sir John Colborne, who was acting in the dual capacity of Governor and Commander of the Forces, took immediate steps for its suppression, which were attended with very satisfactory results. At the same time he issued a Proclamation putting Martial Law in force, and giving notice in the following terms: "And whereas the public safety requires that Law Martial should be exercised, now, therefore, I have thought fit, by and with the advice of Her Majesty's Executive Council of this Province, to issue this Proclamation to the end that it may be made manifest that I shall arrest and punish and cause to be arrested and punished all persons who have been hitherto and who now are or hereafter may be anywise aiding, acting, or assisting in the said conspiracy and rebellion, and who may hereafter be anywise acting, aiding, or assisting in any other conspiracy and rebellion within the said district of Montreal, by Martial Law, either by death or otherwise, as to me shall seem right and expedient for the punishment of all rebels in the said district."

24. Subsequently the terms of this Proclamation were ratified and confirmed by an Ordinance passed in due form by the Special Council, and by the same Ordinance the attainder of persons against whom sentence of Court Martial was given was made legal, subject to the rights of creditors and claimants. By another Ordinance the removal of trials from the district where crimes were committed to any other district was made legal down to the 1st November, 1842.

Enclosure No. 10.

25. On the 19th December Sir John Colborne deals with the despatch of Lord Glenelg (No 9), and goes at length into the reasons for not constituting special tribunals as suggested, the principal one being that any Ordinance to that effect would be, in its operation, an *ex post facto* law. He details the result of the procedure under a Court Martial which he had directed. Twelve persons implicated were arraigned, of whom two were acquitted and the remainder found guilty and sentenced to death, of whom two were executed.

26. Lord Glenelg, who had approved of the issue of the Proclamation of Martial Law and withdrawn his earlier instructions as to special courts, subsequently expressed his entire approval of the course adopted by Sir John Colborne.

27. To recapitulate, we find first Lord Glenelg's instructions deprecating any special tribunals, and directing the trial of prisoners under the first rebellion by the ordinary tribunals, Sir John Colborne's, advised by the Law Officers of the Crown in Canada, strong objection to this course and his holding over the trials till Lord Durham's arrival, Lord Durham's Proclamation of amnesty with exceptions, and his Ordinance sentencing the persons excepted, and certain fugitives also excepted, to transportation to Bermuda under penalty of death if they returned to Canada before the expiration of their sentence or without permission. This was followed by hostile criticism in England, and by the disallowance of the Ordinance. In publishing this disallowance Lord Durham took occasion, while traversing the policy of the Home

Government, to announce that the disallowance of the Ordinance practically included in the amnesty those persons who had been excepted under its original provisions. The effect was that practically no person was punished for the original rebellion.

The trial of persons concerned in the murders of Lieutenant Weir and M. Chatraud having shown conclusively that trial by jury, under ordinary process, for any offence having a political complexion was quite inoperative, Lord Glenelg, on the advice of Lord Durham, authorised the creation by Ordinance of special tribunals for the trial of these offences. The subsequent resignation of Lord Durham took place, followed almost immediately by a recrudescence of the rebellion. Sir John Colborne immediately proclaimed Martial Law, and gave notice that all offences of a treasonable nature would be tried thereunder, confirming this Proclamation by a special Ordinance. He subsequently assembled a Court Martial, selected twelve offenders, and caused them to be tried, carrying into effect the sentence of death upon two of ten offenders found guilty by this Court. In explaining his action Sir John Colborne pointed out to Lord Glenelg that the creation of a special tribunal, as directed by him, would have had the effect of trying offenders under an *ex post facto* law, and that for this reason he adopted the Court Martial as less obnoxious.

28. Into the political questions raised by the rebellion in Lower Canada and its suppression it is not within the scope of this Memorandum to enter. The remedial measures suggested by Lord Durham had, at any rate, the effect that in 1842, little more than three years after these deplorable events, a French-Canadian Ministry was in power in United Canada.

29. It has not been thought necessary to enter upon a lengthened description of the course pursued in the case of prisoners charged with high treason in Upper Canada. In that Province there was scarcely any mixture of population, and the prisoners were, almost without exception, either British or Americans. The ordinary course of law was followed, and there was no difficulty experienced in obtaining a conviction, the more so as rebellion, properly so-called, was inextricably mixed up with acts of piracy and brigandage, under which most deplorable outrages occurred.

The Government being entrusted to Sir George Arthur, who replaced Sir F. Head, was a guarantee that no undue leniency would be shown. Several executions took place, and a considerable number of prisoners were sentenced to transportation for various periods. For the rank and file a Proclamation of amnesty was issued.

Enclosure 1.

EXTRACT from Despatch, 19th February, 1838, Lord Glenelg to Sir John Colborne, on the passage of the Act to make temporary provision for the Government of Lower Canada. Sir John Colborne was appointed Lieutenant-Governor to act till the arrival of Lord Durham, with a Council of five which had legislative powers.

"With regard to the persons who had been apprehended for political offences and are now in confinement, Her Majesty's Government desire that such of them as you may not think it right at once to liberate should not be brought to trial, unless they can be tried by the ordinary tribunals of the country. In case, therefore, a reference to the ordinary tribunals should not in your judgment be yet advisable, a law ought to be passed for the suspension of the Habeas Corpus Act, which will enable you to detain such persons in prison till the arrival of Lord Durham. You will propose to the Council this measure if for the reason I have stated, or for any other reason, you may thing it expedient. You will thus be enabled immediately to revoke the proclamation of Martial Law in the District of Montreal if still in force."

Enclosure 2.

COPY of a despatch from Lord Glenelg to Lieutenant-General Sir John Colborne, 19th March, 1838, No. 2.

SIR,

I HAVE received your despatch, dated 24th January, No. 2, in which you desire that the decision of Her Majesty's Government may be communicated to you on the course to be adopted in regard to the trial of the principal offenders now in gaol in Lower Canada on the charge of murder or high treason. This question has engaged

the careful attention of Her Majesty's Government, and it is not without a full sense of the difficulties of the case that I proceed to convey to you the result of their deliberations.

The immediate proclamation of a general amnesty for all political offences, followed by the indiscriminate discharge of all the prisoners, would afford the most easy solution of this question, but we cannot think it consistent with our duty to recommend this course. It appears to be also your own impression that some at least of those persons should, if possible, be brought to trial without delay.

The Attorney and Solicitor General of Lower Canada record it as their opinion that, in the present state of the country, an impartial trial before the ordinary tribunals could not be had for offences of a political nature. This, too, was the unanimous opinion of 21 magistrates assembled at a general sessions of the peace at Montreal on the 5th of last December.

Your acquiescence in the views of the Attorney and Solicitor General seems to be distinctly intimated in your despatch of the 24th January. In order to avoid the evils of this apprehended failure of justice the Attorney and Solicitor General recommend the passing of a law to try the prisoners by Court Martial.

To any change of the tribunal for the trial of offences previously committed, infringing as it would the principles by which the administration of the Criminal Law is guided throughout the British dominions, Her Majesty's Government are not prepared to give their sanction without previously submitting to a practical test the anticipations as to the issue of trials by the ordinary tribunals.

Her Majesty's Government are gratified to find that you have already been able to release more than 200 prisoners. It does not clearly appear what is the number now awaiting their trial, but it is probably considerable. I presume that before the arrival of this despatch a careful scrutiny will have been instituted for the purpose of ascertaining whether there are others who may safely be discharged. I observe that this course is recommended by the Attorney and Solicitor General, who deem it advisable for the ends of justice that all the cases of the prisoners now confined should be examined into, and if upon such examination it should be found that any of the prisoners should have erred from ignorance or intimidation they should be released.

Before the commencement of any trials it will be necessary to reduce the number of prisoners to those only whose offences could not be overlooked without serious danger to the future tranquillity of the Province.

Even amongst these there will be distinctions to be made.

Some might, perhaps, be safely arraigned and permitted to plead guilty, if they should be willing to adopt this course, upon an assurance that the judgment recorded against them should not be executed if they would voluntarily withdraw from Her Majesty's dominions in British North America and continue absent.

In such cases it will be necessary to require some security against their return. This species of exile not being wholly unattended with hope of restitution to their homes at some future period, might not only relieve Lower Canada from the presence of the offenders, but might afford some security against their plotting against the public peace while resident in the adjacent States.

Supposing this preliminary process to be completed, you will then from the remaining number select four or five cases, and bring them to trial before the ordinary courts of the Province, with juries convened according to the existing practice.

The choice should be made from those prisoners against whom the evidence appears to be free from all reasonable doubt, while at the same time it will be desirable to avoid selecting those in whose behalf the greatest degree of the sympathy of the disaffected would be called forth.

If the verdict shall be pronounced impartially, you will then proceed to try the rest in the same manner.

If, on the contrary, the juries on these trials shall in fulfilment of the predictions of the magistrates and the crown lawyers, act under the influence of manifest partiality, it will then be your duty not to proceed further in bringing the offenders to trial, but to detain in custody all those untried prisoners whose liberation would in your judgment endanger the safety of the Province. The law which you have already been authorised to propose to the Special Council for the suspension of Habeas Corpus Act will enable you legally to effect their detention.

It appears desirable that the prosecutions which may be brought to trial should be conducted with the utmost possible solemnity, and, therefore, if the statute law of

Lower Canada has not superseded the power of the Crown to issue a special commission for the purpose addressed to all the judges of the Supreme Courts of the Province, or to the majority of them, that course ought to be taken. If there is any statutory impediment to this mode of proceeding you will consider the expediency of removing it by a law to be passed for that purpose by the Special Councils.

The objections to changing the place of trial to any district of the province in which the juries would be drawn exclusively from the political opponents of the accused parties are evident and insuperable. But there would be no valid objection to transferring the trials from Montreal to Quebec, if such a change should afford a reasonable prospect of greater impartiality in the administration of justice.

You will not bring to trial any person charged with murder in the ordinary sense of the term. Trials for murder committed in cold blood and not under the incitement of actual warfare should be postponed until the excitement of the public mind has in some degree subsided. It is of great importance that criminals guilty of such an offence should not be confounded in public estimation with offenders who are chargeable with merely political offences.

In the contingency of any capital convictions taking place for political offences you will reserve such cases for the consideration of Her Majesty's Government.

I have, &c.,

GLENELG.

Enclosure 3.

EXTRACT from Despatch from Lord Glenelg to the Earl of Durham, dated 21st April, 1838, No. 14.

* * * * *

The late revolt in the Canadas has been followed by the arrest and imprisonment of a very considerable number of persons, both in the Lower and in the Upper Province. In regard to Upper Canada, I have not, even to this time, been informed of the course contemplated by the local authorities for bringing such prisoners to trial, except that I know generally that a special commission has been appointed to investigate the charges preferred against them, and that the Habeas Corpus Act has been suspended. From Lower Canada I have later and more ample intelligence.

Sir John Colborne, having been authorised to carry into execution Lord Gosford's Proclamation of Martial Law, had, in his capacity of Lieutenant-General Commanding Her Majesty's Forces in the Province, discharged from custody a large number of the prisoners against whom he thought it unnecessary or injudicious to proceed, and at the date of his last despatches he appears to have expected that it would be in his power to extend the same indulgence to several others; but he regarded the trial and punishment of some of the more guilty parties as indispensable, and applied to me for instructions as to the means of securing an impartial trial.

On referring to this correspondence Your Lordship will learn the difficulties which appeared to impede the ordinary course of proceedings before the grand and petit juries of the country, and you will find that Her Majesty's Government resolved that, even if it might be right to resort ultimately to any form of trial unknown to the constitution, it would at least be improper to do so without having ascertained by actual experiment that the usual forms are unequal to the occasion. If, however, that experiment when fairly tried in two or three cases should prove that under the peculiar circumstances of the Colony the investigation of truth and the equal administration of justice could not be effected by a recourse to the ordinary tribunals, Sir John Colborne was instructed to suspend all further proceedings against the persons charged with treason or traitorous conspiracy until Your Lordship's arrival.

It is possible that under these instructions Sir J. Colborne may have been enabled to clear the prisons; but I apprehend it to be more likely that you will find the prisoners in question, or a certain number of them, reserved in custody for your decision. It is, at all events, necessary to be prepared for this contingency.

From the very commencement of the late disturbances it has been, as Your Lordship is aware, the earnest desire of the Government that the utmost lenity compatible with public safety should be exercised towards the insurgents; this is the principle inculcated in my various despatches to the authorities in Lower and Upper Canada, and it is a principle supported, in our opinion, by considerations not only of humanity, which cannot in such cases be admitted as the exclusive test of right conduct, but also of true

policy in reference to the future well-being of the Canadas. The course of events, and the circumstances in which we may venture to assume you will find the Provinces will supply, as it appears to us, new facilities, as well as fresh inducements, to the carrying of this principle into effect. You will, I am persuaded, enter into the views of the Government on this subject, and in order to enable you to act with promptitude in this respect, you are relieved from the restrictions by which your predecessors were prevented, in the case of treason, from giving an absolute pardon or granting more than a respite till the Royal pleasure should be known; in your commission that restriction is omitted.

The power thus entrusted to you of granting an amnesty or pardon in all cases should, in the opinion of Her Majesty's Government, be exercised largely, but not entirely without exception. Independently of persons committed on a charge of murder, to whose cases I have referred in my despatch of the 19th March to Sir J. Colborne as exceptions to the class of cases fit to be included in an amnesty, there must probably among the prisoners be some flagrant and prominent cases of delinquency, which it would not be just or advisable to comprehend in the general lenity. These cases it will be for you to select, in order that they may be brought to trial. In the constitution of the tribunals before which these prisoners are to be arraigned, and in the conduct of the trials, Her Majesty's Government are after full deliberation satisfied that there should be no further deviation from the established modes of legal procedure than was mentioned in my despatch to Sir J. Colborne. You will, therefore, bring them to trial in the usual manner before the Courts of Justice as at present constituted for the trial of criminal offences in the Province. By the verdicts of the ordinary juries the fate of the prisoners must be decided, subject, of course, to any questions of law which, as in any other case, might be reserved for the decision of the Court, and subject also to the exercise of the prerogative in the commutation, if you should consider it expedient, of the sentence for a less amount of punishment. Except in case of murder capital punishments should be avoided; transportation or banishment from the province for a certain period, imprisonment and fine, will afford the means of commutation of any capital sentence, and I trust also of fully vindicating the authority of the law. Should the course of events, or your experience in the province, lead you to consider that, with regard to future cases of treason or insurrection, an alteration is required in the law regulating the trial of such offences, it will be competent to Your Lordship to propose such an alteration to the Special Council. But Her Majesty's Government are of opinion that no law of this description ought to have a retrospective operation.

Enclosure 4.

COPY of a Despatch from the Earl of Durham, G.C.B., to Lord Glenelg, No. 20.

MY LORD, Castle of St. Lewis, Quebec, June 29, 1838.

AMONGST the many difficult and important questions the settlement of which I found awaiting my arrival here, that of the trial of the prisoners engaged in the late revolt was by far the most delicate and dangerous.

On referring to Your Lordship's despatch to Sir J. Colborne of the 19th of March, I find that Your Lordship was quite aware, from the representations of the Law Officers of the Crown in this Province and of the Magistrates of Montreal, that little expectation was to be entertained of a conviction by the ordinary juries before the regular Courts, but that, nevertheless, in your instructions, both to my predecessor and to myself, Your Lordship and Her Majesty's Government declined to sanction any departure from the established course of judicial proceedings.

In these circumstances it was very difficult to decide upon what would be the most judicious steps to be taken. If a trial took place there existed the danger of an acquittal, which would have been considered as a triumph (and naturally) by the disaffected, and would have produced the worst consequences. On the other hand, even if a conviction was obtained, the excitement of the proceedings, the exposure of the acts of treason and disaffection, and the revival of the whole question, would have again re-opened and inflamed all those party animosities the calming of which was an indispensable preliminary to the final settlement of Canadian affairs. At the same time it was absolutely necessary to make an example which should deter others from the commission in future of the like crimes. The loyal and well-affected had a right to require security for the future, and the due punishment of those guilty persons

who had plunged the Province into rebellion and civil war. The first step which I took on my arrival was to examine most carefully the list of prisoners, and the depositions affecting each. In so doing I discovered that against only eight or nine there existed any evidence which would warrant the application of great severity, the chief leaders and instigators of the revolt having fled from the Province, and being in safety in the United States. I next applied myself, by answers to addresses and private applications, to the discouragement of any notion of the possibility of a general amnesty, and announced that my determination was to punish the guilty, and to extend mercy to the misguided, for which purpose I issued a special commission for the trial of the prisoners, and sent the Attorney-General with it to Montreal.

These measures produced the salutary consequences which I expected, and, joined to other means through which they became convinced that I would not suffer the guilty to escape, induced the ringleaders to plead guilty, and throw themselves on the mercy of the Crown.

Yesterday I summoned a special Council, a list of the members of which I enclose Your Lordship, and passed an Ordinance by which the prisoners who pleaded guilty are transported from the Continent of America during Her Majesty's pleasure. M. Papineau and his associates who fled from justice are prevented from re-entering the Province, and the remainder are enlarged, on giving security for their good conduct. I also issued a Proclamation in Her Majesty's name, which announces the latter act of grace, at the same time with the Ordinance which inflicts the punishment.

These measures have met with the entire approbation of Sir John Colborne, and of the heads of what is called the British party. They declared that they did not require any sanguinary punishment, but they desired security for the future, and the certainty that the returning tranquillity of the Province should not be arrested by the machination of these ringleaders of the rebellion, either here or in the United States. This I have effected for them to their contentment.

I did not think it right to transport these persons to a convict Colony for two reasons: First, because it was affixing a character of moral infamy on their acts which public opinion would not sanction; and, secondly, because I hold that it would be impolitic to force on the Colony itself persons who would be looked upon in the light of political martyrs, and thus acquire perhaps a degree of influence which might be applied to evil uses in a community composed of such dangerous elements.

On consultation, therefore, with Vice-Admiral Sir Charles Paget, I determined on sending them to Bermuda, where they could be placed under strict restraint and surveillance. There is, however, little fear of their attempting to escape, as such an act would close at once, and for ever, the door against their ever re-entering their native country.

Sir Charles Paget has ordered the "Vestal" to be prepared to take the prisoners, eight in number, to Bermuda, immediately on their arrival here; and I trust, therefore, that in a very few days there will not remain in confinement a single person charged with treasonable and seditious practices in this Province. Of course, I do not refer to the murderers of Lieutenant Weir, who will be arraigned in the usual manner at the usual assizes, and whose case ought to be clearly excepted from the class of political offenders.

I have, &c.,
DURHAM.

Enclosure 5A.

An ORDINANCE to provide for the security of the Province of Lower Canada.
No. 27, Cap. I.

Whereas divers persons, subjects of Her Majesty in this Province, have been charged with high treason and other offences of a treasonable nature, some of which said persons are at present in custody, and others have withdrawn themselves from the pursuit of justice beyond the limits of this Province:

And whereas of the persons so charged and in custody those whose names follow, that is to say (eight names), all respectively now in the Gaol of Montreal, in the custody of the Sheriff of Montreal, have severally acknowledged their participation in the such high treason, and have submitted themselves to the will and pleasure of Her Majesty: And whereas (16 names), all respectively subjects of her said Majesty, and against whom respectively warrants for high treason have been issued, have severally absconded from this Province, and withdrawn themselves from the limits thereof and

from the pursuit of justice: And whereas it is Her said Majesty's most gracious will and pleasure that no further proceedings shall be had or taken against any persons whomsoever on account of such high treason or other offences of a treasonable nature, save and except as hereinafter provided: But it is nevertheless expedient to provide for the present security of this Province by effectually preventing the several persons whose names are hereinbefore set forth from being at large therein: Be it therefore ordained and enacted by His Excellency the Governor of the Province of Lower Canada, by and with the consent and advice of the Special Council for the affairs of the said Province of Lower Canada, constituted and assembled by virtue of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the reign of her present Majesty, intituled "An Act to make Temporary Provision for the Government of Lower Canada"; and it is hereby ordained and enacted by the authority aforesaid that it shall and may be lawful for Her Majesty to transport to Her Majesty's Islands of Bermuda, during her pleasure, the said (eight names) respectively, and to subject them or any of them to such restraints in the said Islands as may be needful to prevent their return to this Province; and it is further ordained and enacted, by and with authority aforesaid, that if the said (eight names) respectively, or any of them, or if the said (16 names), against whom respectively such warrants for high treason have been issued, and also have so withdrawn themselves from the pursuit of justice as aforesaid, or any of them, shall at any time hereafter, except by permission of the Governor-General of Her Majesty's Provinces on the Continent of North America and High Commissioner for the adjustment of certain important questions depending on the Provinces of Upper and Lower Canada, or, if there shall be no such Governor-General and High Commissioner, by the permission of the Governor-in-Chief, or Governor, or other person administering the Government of this Province as hereinafter provided, be found at large, or come within the said Province, they or he shall in such case be deemed and taken to be guilty of high treason, and shall, on conviction of being so found at large or coming within the said Province without such permission as aforesaid, suffer death accordingly: Provided always that it shall be and may be lawful for such Governor-General and High Commissioner, or if there shall be no such Governor-General and High Commissioner, then for the Governor-in-Chief, Governor, or other person administering the Government of this Province, acting for and in behalf of her said Majesty, so soon as it shall appear to him consistent with the peace and tranquillity of this Province, by any act or instrument under his hand and seal at arms, to grant permission for the said (24 names), or any of them, upon giving such security for their future good behaviour and loyal conduct as the said Governor-General and High Commissioner, or if there shall be no such Governor-General and High Commissioner, as the Governor-in-Chief, Governor, or other person administering the Government of this Province, shall think fit, to return to this Province and reside therein: And the said (24 names), or such of them as shall receive such permission as aforesaid, shall not thenceforth be subject to any penalty or prosecution whatever for any treason or treasonable or seditious practices by them or him at any time heretofore committed: Provided also, that in any indictment for being so found or coming within the Province without such permission as aforesaid the burthen of proof of having obtained such permission of the said Governor-General and High Commissioner, Governor-in-Chief, Governor, or other person administering the Government of this Province, shall lie upon the party accused or indicted thereof.

And it is hereby further ordained and enacted by and with the authority aforesaid, that nothing in any Proclamation of Her Majesty contained shall extend or be held or construed to extend to the cases of (10 names), or any of them, or to the case of any other person or persons charged with the murder of the late George Weir, a Lieutenant in Her Majesty's 32nd Regiment of Foot, or with the murder of the late Joseph Chatrand; nor shall (10 names), or any of them, nor shall any other persons suspected of being concerned in the said murders, or either of them, nor any person concerned in the escape from the custody of the Sheriff of Montreal of Louis Lussier, charged with the murder of the said "George Weir," or who may have harboured the said Louis Lussier after or aided him in such an escape, derive any benefit or advantage whatsoever from any Proclamation of Her Most Gracious Majesty, nor shall any amnesty thereby intended to be granted be taken in any way to apply to such person or persons, or any of them.

DURHAM.

Ordained and enacted by the authority aforesaid and passed in Special Council, at the City of Quebec, the twenty-eighth day of June, in the second year of the reign

of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight.

By His Excellency's command,
W. B. LINDSAY,
Clerk, Special Council.

Enclosure 5B.

Province of Lower Canada:
DURHAM.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these presents shall come or whom the same may concern, Greeting.

PROCLAMATION.

Whereas our Province of Lower Canada hath been long disturbed by political dissensions, and was recently afflicted with rebellion and civil war, whereby it hath become necessary to suspend the constitution of the said Province, and to provide for the temporary government thereof, by means of extraordinary powers conferred upon us by the Imperial Legislature; and whereas we are firmly resolved to punish with the utmost severity any future act of insubordination in our Province, and more especially to prevent in future, as far as is in our power, the occurrence of dissensions similar to those by which our said Province has been long disturbed as aforesaid, by effectually removing all causes of dissension, so that our said Province may be established in peace as a loyal and truly British Colony: And whereas in the exercise and in pursuance of the extraordinary powers as aforesaid it hath been ordained and enacted by an Ordinance this day made and passed, according to law, entitled "An Ordinance to provide for the security of the Province of Lower Canada," that it shall be lawful for us to transport certain persons named in the said Ordinance to our Island of Bermuda, during our pleasure, and that if the said persons, or certain other persons, also named in the said Ordinance, who have withdrawn themselves from the pursuit of justice beyond the limits of our said Province, shall at any time hereafter, except by permission of our Governor-General of our Provinces on the Continent of North America, and High Commissioner for the adjustment of certain important questions depending in the Provinces of Lower and Upper Canada, or if there shall be no such Governor-General or High Commissioner, by the permission of the Governor-in-Chief, or Governor, or other person administering our Government of Lower Canada, as provided in the said Ordinance, be found at large or come within our said Province, they shall in that case be taken and deemed to be guilty of high treason, and shall suffer death accordingly: And whereas, under the peculiar circumstances of our said Province as aforesaid, it is not less expedient in our judgment than grateful to our heart to mark, by an act of Royal grace, our recollection of the ancient and well-proven loyalty of all our Canadian subjects, rather than by any severity of punishment, our sense of the recent disaffection of some of them: Know ye, therefore, that we have ordained, directed, and declared, and by these presents do ordain, direct, and declare, that no further proceedings shall be had or taken against any persons whatsoever on account of any high treason, or offences of a treasonable nature, with which they now stand charged, or wherewith they may be chargeable at this time, but that all such proceedings, without exception or distinction, save as hereinafter mentioned, shall henceforth cease and determine. And it is our further will and pleasure that with the exception of such persons as are in that behalf named in the said Ordinance, and whose cases are thereby provided for, all persons at present in custody and charged with high treason or other offences of a treasonable nature, and also, with such exception as aforesaid, all persons who have withdrawn themselves from the pursuit of justice beyond the limits of our said Province, shall immediately upon giving such security for their future good and loyal behaviour as our said Governor-General and High Commissioner, or, if there should be no such Governor-General or High Commissioner, then the Governor-in-Chief, Governor, or the person administering the Government of this Province shall direct, be at liberty to return to their homes, and may and shall there remain wholly

unmolested by reason of any high treason or other offences of a treasonable nature in which he or they may have been concerned.

In testimony whereof we have caused these our letters to be made patent, and the Great Seal of our said Province of Lower Canada to be affixed thereto.

Witness our right trusty and well-beloved John George Earl of Durham, Viscount Lambton, &c., &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of our Most Honourable Privy Council, and Governor-General, Vice-Admiral, and Captain-General of all our provinces within and adjacent to the Continent of North America, &c., &c., &c., &c.

At our Castle of St. Lewis, in our City of Quebec, in our said Province of Lower Canada, the twenty-eighth day of June, in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and in the second year of our reign.

D. DALY,
Secretary.

Enclosure 6.

COPY of Despatch from Lord Glenelg to Earl Durham, 18th August, 1838, No. 53.

MY LORD,

WITH reference to my despatch (No. 83) of 5th instant, I have now the honour to enclose to you a copy of the report of the Law Officers of the Crown on the Ordinance "For providing for the security of the Province of Lower Canada," a copy of which was transmitted in your despatch of the 29th June.

Your Lordship will observe that the Attorney and Solicitor General are clearly of opinion that so much of the Ordinance as relates to the restrictions to be placed in Bermuda on the eight persons sent by you to that place is void, inasmuch as the Legislative jurisdiction of the Governor and Special Council of Lower Canada does not extend beyond the limits of the Province. In all other respects they are of opinion that the provisions of the Ordinance were within the competency of the Governor and the Special Council.

I regret, however, to state that a different view of the case was taken by several individuals of high legal attainments, whose station and professional experience could not fail to secure great weight to their opinions in the House of Lords, where this question was first agitated. There were, indeed, some who went so far as to contend that the whole Ordinance was illegal as exceeding the authority vested by Parliament in the Special Council; but as this view of the case has not received the sanction of either House of Parliament, Her Majesty's Government, in accordance with the opinion of the Law Officers of the Crown, are fully satisfied that the powers confided by Parliament to the Governor and Special Council are sufficiently ample to authorize them to legislate to the full extent of the Ordinance in question, so far as it relates exclusively to acts to be done within the Province of Lower Canada.

But an objection of a more popular and general nature was also urged with great force against so much of the Ordinance as purports, on a conviction for returning to the Province without permission, to subject to capital punishment those persons who, having fled the Province, had thereby avoided the execution against them of the warrants for their apprehension on the charge of high treason.

Her Majesty's Government is fully sensible of the numerous and weighty difficulties with which you had to deal with reference to this question, of the notoriety of the conduct of those persons who, having taken an open part in inciting their followers to insurrection, had fled to the United States, in order to withdraw themselves from justice and of the importance of securing the Province, for a time at least, from their return, and aware, moreover, that ample time had been afforded to these parties, had they been so disposed, to surrender themselves to justice and demand their trial, would have been quite satisfied to have left in Your Lordship's hands the mode of dealing with them with perfect confidence that no act of needless severity or of substantial injustice would have been either committed or sanctioned by your authority.

The course, however, which Her Majesty's Government would have taken as in their judgment the best calculated to uphold your authority, and thereby to consult the success of your mission, has, unhappily, as they feel, been overruled. A Bill was introduced into the House of Lords the object of which, as originally submitted, was two-fold; first, to obtain a declaration of Parliament in accordance with the view to

which I have referred, of the narrow and restricted extent of the legislative powers of the Special Council, and thereby not only to invalidate the Ordinance as altogether illegal, but also to prevent any further legislation by the same authority involving a departure from the ordinary course of criminal law, under whatever circumstance of danger and emergency; and, secondly, to provide an indemnity in respect of all acts done in pursuance of the Ordinance.

Her Majesty's Government felt it their duty to offer a decided opposition to the second reading of the Bill in the House of Lords, as calculated in their opinion most injuriously and contrary to the spirit and tenor of the Act for making temporary provision for the Government of Lower Canada, to narrow, and restrict the powers vested by Parliament in the Special Council. I regret, however, to state that the second reading of that Bill was carried in the House of Lords. Under these circumstances, and after the public discussions which had taken place on the subject, Her Majesty's Government compelled as they were to admit that a portion of the Ordinance, though comparatively unimportant, rested on no legal foundation, most reluctantly advised Her Majesty to disallow the Ordinance. Extensive amendments were subsequently made in Committee on the Bill. The clause which would have restricted the legislative powers of the Special Council was altogether omitted, and the indemnity was expressly confined to acts done in respect of that part of the Ordinance which was admitted to be beyond the legislative authority of the Governor and Special Council. The Bill so amended has since been passed by the other House of Parliament, and has received Her Majesty's assent. I enclose you a copy of it.

The comparatively unimportant point to which alone the Act as it has finally passed alone applies, renders it in itself a measure demanding but a slight and passing notice. Her Majesty's Government, however, cannot conceal their apprehension that the discussions which have been raised on this question may tend to impede and embarrass your course in the settlement of the affairs of Canada, and to raise anew some of those difficulties and obstacles which, under your administration, appeared to be rapidly on the decline.

But, on the other hand, the opposition to your measures in this country has given rise to such strong expressions of confidence in the purity and excellence of the motives by which your conduct has been regulated, and has drawn forth from those personally interested in the affairs of Canada such decided testimony to the beneficial tendency of your administration, that Her Majesty's Government cannot but hope that your hands may be strengthened, rather than weakened, by the degree of public attention which has been directed to this subject.

At the same time they feel it their duty to leave you in no uncertainty as to their views on the course which it may be expedient to adopt with regard to those persons, who, in consequence of the disallowance of the Ordinance, can no longer be liable to its provisions.

In the first place I have to convey to you Her Majesty's entire approbation of the Proclamation issued by you on the 28th June, by which, with the exception of the twenty-three persons specifically referred to, an amnesty was granted to all other persons charged with treasonable offences committed during the late disturbance and insurrection in Lower Canada. In order, however, to maintain the distinction which you so properly appear to have made between the chief leaders and instigators of the insurrection and their misguided followers, Her Majesty's Government are decidedly of opinion that, notwithstanding the failure of the provisions of the Ordinance, the eight persons sent by you to Bermuda should not be permitted to return to Lower Canada, except by the express permission of Her Majesty or of her representative in the Province. It seems to them that this object could be best attained by an Ordinance to be passed by yourself and the Special Council, subjecting the persons in question to such penalty short of death as may be thought expedient, in the event of their being convicted of returning to the Province without such permission.

With regard to those who had previously fled from justice, it may perhaps be sufficient by Proclamation, or by any other clear and unambiguous channel of information, to make it publicly known that should they re-enter the Province without the same permission they will forthwith be arrested and dealt with according to law on the charge of treason. It will at the same time be desirable to continue or to renew the suspension of the Habeas Corpus Act, that you may be able to detain any of them in custody in the event of their arrest should the safety of the Province render such a proceeding necessary.

In adopting this plan it will be indispensable that the Suspension Act should be

passed at the same time as the Proclamation is issued, and made as publicly known as the Proclamation, in order to avoid the possibility of any of the parties referred to in the Proclamation entering the Province in ignorance of the Suspension Act. To let them enter in such ignorance would be to deal unfairly with them. Her Majesty's Government hope that by this means the end which you had in view may be attained of averting the serious evil to be apprehended from persons being at large within the Province who had notoriously taken a prominent part in the recent revolt, and whose presence could not fail to occasion jealousy and dissatisfaction among the loyal subjects of Her Majesty, and might tend to revive feelings and passions which it must be the anxious desire of the Government to suppress and to allay.

I do not intend to prescribe to you the precise course to which I have adverted, as that which, under existing circumstances, ought to be adopted, nor am I insensible to the objections to which any course on this subject is liable from those who are disposed to take an unfavourable view of the conduct of the Government; but I am anxious to relieve you as far as possible from the uncertainty in which you might be involved by the recent debates in Parliament as to the extent to which you would be justified in proceeding with respect to the small number of persons whom, in the exercise of a sound and wise discretion, you have excepted from the amnesty which has been extended to the great body of persons implicated in the insurrection.

I have assumed throughout the consideration of this question that no steps have been taken under the Ordinance passed by the Special Council during the administration of Sir John Colborne for "the more speedy attainder of persons indicted for high treason, who have fled from the Province or remain concealed therein to escape from justice." It will be for Your Lordship to determine whether it would be advisable to proceed against the parties to whom that Ordinance relates in the manner therein prescribed; but as the object to be attained is not so much the severe punishment of the guilty as their exclusion from the Province, and the suggestion to them of some motive for abstaining during such exclusion from a mischievous interference in its affairs, the other course to which I have referred appears to Her Majesty's Government to be, under the peculiar circumstances of the case, the most expedient.

I cannot conclude this despatch without expressing the deep regret which Her Majesty's Government have felt at the embarrassments to which you will have been subjected by the recent proceedings in Parliament regarding the difficult and delicate question of the disposal of persons charged with treason in Lower Canada.

On a deliberate view of the whole case, Her Majesty's Government are able distinctly to repeat their approbation of the spirit in which these measures were conceived, and to state their conviction that those measures have been dictated by a judicious and enlightened humanity, and were calculated under your authority to satisfy the ends of justice, although in some respects they departed from its ordinary forms. The Government are also persuaded that Your Lordship will be equally anxious with themselves to avoid, as far as possible, giving even a plausible ground of cavil or objection to hostile criticism.

It only remains for me to assure you of the undiminished confidence which Her Majesty's Government repose in you, and of their earnest desire to give you the utmost support in the discharge of the arduous duties with which you are entrusted.

I am, &c.,
GLENELG.

Enclosure 7.

COPY of a Despatch from the Earl of Durham, G.C.B., to Lord Glenelg.

MY LORD, Castle of St. Lewis, Quebec, September 28, 1838.

THE late debate in the House of Lords, and the observations which have been made there upon the Ordinance passed by the Special Council of this Province, subjecting the State prisoners to transportation to Bermuda, imperatively call on me to submit to you a statement of my views upon the legality of that Ordinance, and of the grounds upon which, with every deference to the House of Peers and the high legal authorities who are asserted to have declared its illegality, I venture to maintain that no part of that Ordinance is in itself illegal, however inoperative it might, and must of necessity, be, without the assistance and co-operation of the Home Government and the British Parliament, or the Legislature of the Bermudas under the sanction of Her Majesty's Ministers.

The Imperial Statute 5 Geo. 4. C. 84 S. 3 provides that His Majesty in Privy Council may appoint any place beyond the seas, either within or without his dominions, to which felons and other offenders under sentence or order of transportation or banishment shall be conveyed. It provides for the imprisonment of such offenders, their conveyance, either in contract vessels or in Her Majesty's ships, their punishment for misconduct on the voyage, their delivery to the Governor of the Colony to which they may be sent, and their safe custody after arrival.

Section 17 recites, that by law, in some of the Colonies, offenders convicted of certain offences are liable to be transported beyond the seas, and that there may be no means of transporting such convicts to any of the places appointed by "His" Majesty in that behalf without first bringing them to England; and it then provides that such convicts, when brought to England, may be imprisoned in any place of confinement under that Act, and so soon as he shall be so imprisoned, all the provisions of that Act shall be applicable to every such convict as if convicted and sentenced in England. No provision is by this Act made for their treatment up to their being brought to England; that is left to local legislatures.

The Imperial Statute 6 Geo. 4 C. 69 S. 4 provides that "His Majesty," by any Order in Council, may authorise the Governors, &c., for the time being of any of the Colonies, to appoint the place within "His" Majesty's dominions, to which offenders convicted in any such Colony, and being under sentence or order of transportation, shall be sent or transported; and provides that such convicts at the place to which they may be transported shall be subject to the same laws as other convicts; but it makes no provision for their transport, or their treatment on the voyage to England; that is still left to the local Legislatures, at least, there is no other mode of providing for it.

Under these Acts an Order in Council was issued on the 11th of November, 1825, directing that all Governors of the Colonies for the time being should from time to time appoint the places to which convicted offenders should be transported.

Lord Gosford, on the 7th October, 1835, issued his Proclamation appointing such convicts to be sent to England, and from thence to New South Wales and Van Diemen's Land.

The Provincial Legislature, by Act 6 W. 4 C. 1, continued by Ordinance of 1 Vict. C. 8, provided that "whenever any offender shall have been lawfully sentenced by any of His Majesty's Courts in this Province other than Courts-Martial, to transportation, it shall be lawful for the Governor for the time being from time to time to cause any such convict to be removed from any place of confinement in this Province to any other safe place of custody" (it does not repeat "in this Province"), "and thence to be sent to England, to be there imprisoned according to the provisions of 5 Geo. 4 C. 84, s. 17, to be hereafter transported to New South Wales or Van Diemen's Land." The Act authorises contracts for their safe transport to England; and, by Section 6, enacts that after the delivery of any such convict to the contractor, "his transportation to England, safe custody, treatment, and confinement, until delivered to the authorities in England, shall be regulated to all intents and purposes by the provisions of 5 Geo. 4 C. 84."

This Act, although authorising imprisonment, and directing a certain mode of treatment upon the high seas, was not thought to exceed the powers of the Provincial Legislature, and was sanctioned and approved by Her Majesty's Ministers. These several provisions, however, only applying to the case of persons convicted in Courts of Law of offences, were not in force as to the State prisoners who confessed their participation in the treasonable practices of which they were accused, but they afforded a sufficient guide in an emergency beyond the scope of all ordinary law.

If the British Parliament could authorise the Sovereign to name any place of transportation beyond the seas, out of the British dominions, it would seem not less within the authority of the Provincial Legislature to appoint a place of banishment not within the local limits of their authority, but within Her Majesty's dominions, which had been frequently used as a place of transportation from this Colony, and at which hulks are now kept for the reception of convicts, and to which it appears by Lord Aberdeen's circular despatch of the 2nd March, 1835, relative to transportation from the Colonies, such offenders as may be specially selected by the Home Secretary may still be sent. I need scarcely notice that this last despatch was by no means restrictive of my powers in respect to the State prisoners, as to whom Your Lordship's instructions expressly suggest the substitution of transportation and banishment from the Province in lieu of the capital punishment.

The power of the Colonial Governments to punish by transportation is indisputable, and its frequent exercise is recognised by the recital in Section 17 of the Imperial Statute 5 Geo. 4 C. 84, already cited; for if by the law of the Colonies convicts can be subject to transportation beyond seas, the Legislatures of such Colonies must have power to pass such laws.

I, as Governor-General and Governor-in-Chief of Canada, had a power to appoint the place to which any person should be transported who was convicted of a transportable offence, or who, being capitally convicted, should assent to such commutation of his punishment; and I had at my disposal the immediate means of transport to any place within the command of the Admiral on the Halifax Station, and the previous assent of the Admiral to give every facility within his power.

The Legislature which had the power to suspend the Habeas Corpus Act and to place the whole country under the operation of Martial Law, to substitute a drumhead court-martial of volunteers for a trial by jury in the ordinary Courts of Justice in the country, if they had thought it necessary to exercise it (and the Executive Government alone did, in fact, exercise it), had an equal power (it would be contending for little to say an equal constitutional right) to subject to punishment those who admitted that they had offended against the laws of their country, and who prayed to be spared a public trial to which the public interest was alike opposed; the Legislature had an equal power, by law, to pass an Act of Attainder, with or without forfeiture of property, and with or without examining further witnesses, as they might think most likely to conduce to the benefit of the public and the tranquillity of the Province, against the associates of those who pleaded guilty, and who had fled from the pursuit of justice to a foreign country.

Whatever power was vested in the assembled Legislature of this Province before the recent troubles was vested in me and the Special Council by the Imperial Statute 1 Vict. C. 9, so far as that Act did not expressly circumscribe the power which it originated; I have yet to learn that the Ordinance of 2 Vict. C. 1 (now disallowed), in imposing the penalty of transportation to Bermuda on the State offenders, violated any one of the restrictive clauses of the Imperial Act. With the question in a constitutional point of view it is not my purpose in this place to deal; my arguments are directed merely to the legality of the Ordinance, to show that (whether inoperative or not in any respect) it is not illegal, to show that the Legislature of Lower Canada, as constituted by the Imperial Parliament, kept within the limits of its authority.

I contend, then, with every deference for those who may have expressed a contrary opinion, that the Legislature of Lower Canada had a legal right to transport any offenders to Bermuda, and under that authority to convey them there if they had "the means" (as much as to send them to England and to provide "the means"), and there to leave such offenders, liable to such restraints as it might please Her Majesty to subject them to; but Her Majesty could only act through the constituted authorities. The constituted authority here was the Governor, who, under the sanction of the Legislature of Lower Canada, conveyed them by the means at his disposal to the Bermudas. There the power of the Legislature of Lower Canada and of the Governor-General ceased. When the prisoners arrived at the Bermudas it was the business of Her Majesty's Government, either through the Imperial Parliament or through the local Legislature, to retain them there. It was perfectly well understood here, in the passing of the Ordinance, that there was no power in this Legislature to pass any laws which could be binding in the Bermudas, and the Ordinance was confined to its recited object "to provide for the present security of this Province, by effectually preventing the several persons named in it from being at large therein."

It was foreseen that the Governor of the Bermudas might have refused his assistance in this emergency, and have declined to allow the prisoners to be landed, or, if landed, might have instantly released them, or, if not that, before Her Majesty could procure any laws to be passed subjecting the parties to the necessary restraints to prevent their return, the parties might apply to the Courts of the Bermudas for their writs of Habeas Corpus, and might be enlarged and quit the Islands to return. Opposition to an Ordinance intended as, and being in fact, an extension of Her Majesty's mercy towards the individuals who were the object of it, would probably have weakened the claim to a future permission to return to the Province, a permission which, if the British Parliament had adopted and continued the Ordinance, would have become of the utmost importance to the persons transported, but the "present security" of the Province was further guarded by a severe penalty (not, as is evident

from the Ordinance, to be inflicted without trial) upon such as should return without due permission.

As the Ordinance stands, coupled with the 1 Vict. Cap. 9, it imposes banishment for four years from the Province, under the penalty of death. The returning from transportation before the period for which it is inflicted is subjected to capital punishment by many provincial statutes, here in cases where the original offence is not so punishable. To have imposed a lesser penalty would have been to lessen the original offence of treason, which those transported had admitted.

In conclusion, I maintain that in no respect is the Ordinance illegal, although in part it might have been inoperative without the co-operation of Her Majesty's Ministers and the British Legislature.

Instead of waiting for the express directions of the Government, I determined, for the sake of tranquillising the Province, to anticipate such co-operation, and to remove the prisoners instantly.

I have, &c.,
DURHAM.

Enclosure 8.

COPY of a Despatch from the Earl of Durham, G.C.B., to Lord Glenelg.

MY LORD, Castle of St. Lewis, Quebec, September 12, 1838.

THE period fixed for the trials of the murderers of Lieut. Wier and Chartrand is passed, and the result of the proceedings, in both cases, is precisely that which I anticipated, and to which I referred in my despatch, No. 18, when I stated to Your Lordship that, in political cases, "little expectation was to be entertained of a conviction by the ordinary juries before the regular Courts."

In the case of the murderers of Lieutenant Weir, the principal witness was induced to keep out of the way, and the prosecution for the Crown was rendered impossible. In these circumstances, the Judges remanded the accused until next term.

In the case of Chartrand, the most clear and indisputable evidence of the guilt of the prisoners was adduced, but the jury, French-Canadians (all others upon the panel, as had been foreseen, having been got rid of by the challenges of the accused, allowed by the existing law) brought in a verdict of "not guilty."

I have applied for a copy of the Judge's notes, which shall be transmitted to Your Lordship. According to the present state and practice of the Jury Law, an equitable decision on any case, I fear, is hardly to be expected.

What has passed in these instances proves, I think, clearly the sound policy of the course I pursued with regard to the prisoners charged with treason. It is now certain that no jury but a French-Canadian could have been empanelled, and that the acquittal of one and all would have been certain, however strong the evidence of their guilt.

I have, &c.,
DURHAM.

Enclosure 9.

EXTRACT from a Despatch from Lord Glenelg to the Earl of Durham: Dated 26th October, 1838.

* * * * * *

Your Lordship asserts in your despatch that in the present state of the Province "trial by jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community." This is a picture of a most lamentable state of things, of which the truth, I fear, must be admitted, and the evil cannot be over-rated. On the due execution of justice the whole relations of Society depend. If men find that the murder of their relatives and friends is not visited with retribution in a Court of Justice, it can scarcely be expected that they will abstain from a recurrence to the personal revenge, which, in reliance upon law, they had relinquished. This state of insecurity imperatively requires a remedy. It is, therefore, the desire of Her Majesty's Government that an Ordinance should be passed by the Special Court of Lower Canada, constituting a tribunal for the trial of treason and murder.

With respect to the manner in which such a tribunal can be formed, it is not proposed to bind Your Lordship's discretion. Learned judges alone might constitute

a sufficient Court for the trial of these offences, or it might be better to form Courts more nearly resembling courts-martial, or to combine both these species of tribunal. But in any case where trial by jury has excited the righteous scorn and indignation of the community, it cannot be difficult to form tribunals more impartial and more competent than the existing juries. The cautious habits of learned lawyers, and the fairness usually exhibited by Englishmen, even to enemies, taken in open resistance, added to the publicity of their proceedings, would be a security that none but the most conclusive evidence would lead to convictions.

Enclosure 10.

EXTRACT of a Despatch from Lieutenant-General Sir John Colborne, G.C.B., to Lord Glenelg, dated Government House, Montreal, 19th December, 1838.

The instructions conveyed by Your Lordship's despatch of the 26th October, No. 126, that an Ordinance should be proposed to the special Council for constituting tribunals by which, in future, rebels and murders might be tried, leaves me in no doubt as to the intention of Her Majesty's Government to authorise the Constitution of such a tribunal as may prevent any failure in the administration of justice in cases of sedition and rebellion. The sudden renewal of the revolt has exposed the local Government to the embarrassments and serious difficulties which it encountered last year, in regard to bringing to justice offenders guilty of treason and murder.

The erection of a Court, altogether unprecedented in this Province, of the nature suggested by Your Lordship would, I think, have been at the present moment very objectionable, and could not have prevented the escape from justice of offenders charged with crimes since the outbreak, without giving the Court a retrospective jurisdiction, and making the Ordinance an ex post facto law, it becomes my duty, therefore, from the evident inadequacy of the ordinary tribunals to impart vigour to the administration of justice demanded by the emergency, to state to the special Council, with the advice of the Executive Council, the necessity of establishing a Court, with competent authority for the trial of rebellion, murder, and treasonable practices, which had occurred since the 1st of November, and adapted to accomplish the object in view, in the actual circumstances of the Province. The progress of the insurrection had been rapid and extensive, and as the prisoners, most of whom had been taken with arms in their hands, were hourly increasing, it was necessary to legislate, not prospectively only, but for the punishment of offences already committed.

With reference to these considerations, I feel confident that Her Majesty's Government will approve of the Ordinance which was proposed to the special Council at that particular crisis, for the purpose of holding courts-martial for the trial of offences to which I advert, confirming, rather than introducing, a form of trial, which, although unusual, is not unknown, and which, without any abrupt innovation, would provide the only tribunal which, in the deplorable state of this Province, could be relied on to dispense impartial justice between the Crown and the subject. The Ordinance was passed on the 8th ultimo, intituled "An Ordinance for the Suppression of the Rebellion which unhappily exists within this Province of Lower Canada, and for the protection of the Persons and Properties of Her Majesty's faithful subjects within the same." Its provisions were carried into effect without delay. I directed a general court-martial to be assembled soon after the dispersion of the insurgents, consisting of a President and twelve members, six field officers, and six captains, and I appointed two special judge advocates, Mr. Mondelet, Queen's Counsel, and Mr. Day, an eminent barrister of Montreal, to assist the Deputy Judge Advocate.

No. 8.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 25, 1900.)

SIR, Government House, Cape Town, May 9, 1900.

I HAVE the honour to enclose, for your information, a copy of a Proclamation by Lord Roberts, on the subject of rebels in the northern districts of Cape Colony.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 8.

PROCLAMATION.*

To the Inhabitants of the Districts of Albert, Steynsberg, Molteno, Wodehouse, Aliwal North, Barkly East, and Colesberg.

On the recent retirement of the enemy to the north of the Orange River, the rebels who had joined them in the northern districts of Cape Colony were treated by Her Majesty's Government with great leniency in being permitted, if not the ringleaders of disaffection, to return to their farms on the conditions of surrendering their arms and of being liable to be called to account for their past conduct.

I now warn the inhabitants of the northern districts, and more particularly those who were misguided enough to join or assist the enemy, that, in the event of their committing any further act of hostility against Her Majesty they will be treated, as regards both their persons and property, with the utmost rigour, and the extreme penalties of martial law will be enforced against them.

ROBERTS,
Field-Marshal,
Commander-in-Chief, South Africa.

Army Headquarters, Bloemfontein,
April 9, 1900.

No. 9.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.30 p.m., May 30, 1900.)

TELEGRAM.

29th May. No. 330. I have received Minute from Ministers stating that suggestions contained in your telegram of 4th May,† are engaging their most earnest attention, but that in order that the proposal contained in your message may not be misunderstood they beg me to ascertain by telegraph whether your reference to disfranchisement proposes disfranchisement for life or for a period only.

Minute continues:—

Begins: Ministers note that in the ordinary course their Minute of date 28th April would ere this reach Secretary of State, and they have the honour to request that His Excellency may be pleased in the same cable message to solicit from the Secretary of State the favour of information as to whether, after consideration of the representations Ministers more fully embodied and set forth in that Minute and its annexures, the views of Her Majesty's Government are to be accepted by Ministers as disclosed in its message of the 4th May. Ministers hope on receiving from His Excellency the additional information now sought to be able soon to address to His Excellency a further Minute. The importance of matter and the absence of one Minister from Cape Town have combined to produce a delay which is regretted. *Ends.*

No. 10.

MR. CHAMBERLAIN to GOVERNOR SIR ALFRED MILNER.

(Sent, 12.15 a.m., 10th June, 1900.)

TELEGRAM.

10th June. No. 1. Referring to your telegram 29th May No. 330.‡ Minute of Ministers of 28th April inclosure in your despatch§ 2nd May has been carefully considered. Her Majesty's Government however continue to be of opinion that the policy suggested in my telegram of 4th May No. 3† should substantially be

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* Published also in Dutch. † No. 4. ‡ No. 9. § No. 7.

adhered to. It is dictated, as your Ministers must recognise, by a strong desire to extend greatest possible amount of leniency to those who have rendered themselves liable to very severe punishment, but who it is hoped will yet in the future prove themselves thoroughly loyal subjects of the Queen.

Her Majesty's Government are of opinion that, for various reasons, which will be fully stated in the reply to your Ministers' Minute, Canadian rebellion and the circumstances connected with it do not form a precedent to which it would be either right or expedient in the interests of future good government in South Africa to adhere closely, or which could properly be adopted as the standard of South African policy at the present juncture.

As regards disfranchisement, Her Majesty's Government would point out that conviction and sentence for high treason carried with it disfranchisement for life, and if the offenders are spared the other and severer penalties of rebellion justice seems to demand that they shonld suffer the full political penalty. Disfranchisement for life does not seem to Her Majesty's Government to be a very serious punishment for rebellion.

No. 11.

Governor Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 11.40 a.m., 13th June, 1900.)

Telegram.

(Extract.)

12th June. No. 357. I received a Memorandum yesterday from Prime Minister stating that Ministers are hopelessly divided and their differences cannot be composed. I have replied that I must have a Ministry which can give unanimous advice, and that I shall be obliged to look for support elsewhere if Cabinet cannot be so reconstructed as to restore internal harmony.

No. 12.

Governor Sir ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 1.45 p.m., June 18, 1900.)

Telegram.

Most urgent. 18th June. No. 367. This morning new Ministry appointed; consists of Sprigg, Prime Minister and Treasurer; Rose-Innes, Attorney-General; Faure, Minister of Agriculture; Thomas Graham. Colonial Secretary; Dr. Smartt, Commissioner; and John Frost, without portfolio.

No. 13.

GOVERNOR SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 2, 1900.)

Government House, Cape Town,
June 13, 1900.

SIR,

I HAVE the honour to enclose copies of a number of documents relating to the Ministerial crisis.

Memorandum by Prime Minister to Governor, June 11, 1900, enclosing Draft Minute, June 11, 1900; Report by Attorney-General, May 17, 1900; Memorandum by Treasurer, May 20, 1900; Memorandum by Dr. Te Water, May 19, 1900; Memorandum by Governor to Ministers, June 12, 1900; Memorandum by Prime Minister to Governor, June 13, 1900.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 13.

MEMORANDUM TO HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Cape Town,
June 11, 1900.

The Prime Minister regrets that it has become necessary for him to announce to his Excellency that the Cabinet, as constituted, is at variance on matters of first importance with regard to the policy of the Government of this Colony. The special and culminating occasion which affords the immediate ground for addressing his Excellency in this form and with this intelligence is the fundamental difference of opinion as to the policy which, at this juncture, the Government should declare with regard to the suggestions which have been received from Her Majesty's Government on the subject of the treatment of those of Her Majesty's subjects who have been guilty of acts of high treason.

It is not necessary, in this Memorandum, to state elaborately the differences of view which exist either on this subject or on others. The Prime Minister is satisfied that these differences cannot be composed.

He attaches, for the information of his Excellency, a Minute drafted by him, together with an annexed report from the Attorney-General. That Minute sets forth the views of three members of the Cabinet on the subject referred to, and upon allied topics, the Attorney-General and the Secretary for Agriculture being in accord with himself, while the three other Ministers have individually announced their dissent. June, 1900. 17th M 1900.

A copy of a memorandum from the Treasurer is attached. With the views there recorded the Commissioner of Public Works desires to have noted his concurrence. 20th M 1900.

A copy of a memorandum from the Minister without portfolio is also attached, which embodies his views on that subject. 19th M 1900.

The Prime Minister has, as he has said, no wish to record any unnecessary discussion as to the matters of policy in difference between himself and some of his colleagues. He regrets that such differences have come into being, and deplores the fact, now manifest, that the moderate line of policy which it has been his endeavour to adhere to and still further to follow in the interests of South Africa and the Empire is distasteful to some of his colleagues.

It is his duty, moreover, to inform His Excellency that he has ascertained the fact that a majority of his supporters in Parliament have declared themselves not able to endorse his proposals regarding the legislation to give effect to the disfranchisement for a period of five years of those who have been guilty of acts of high treason, but are not ringleaders.

He believes most earnestly that many of those who have on this point diverged from the general line of policy which he deems it right to follow, have done so under an overmastering sense of racial sympathy with those who stand in jeopardy, and not because of any lack of confidence in himself as their Prime Minister. He feels that it is due to them and perhaps to himself, to say so much as this when regretfully intimating to His Excellency that a deadlock has been reached in the administration of affairs by the present Cabinet, and that it is not able to agree upon the policy and measures which should be speedily formulated and prepared if Parliament is to assemble, as has been

decided, on the 22nd June. In these circumstances he is anxious to be acquainted with His Excellency's further wishes.

W. P. SCHREINER.

Since penning the above Memorandum the Prime Minister has received from His Excellency a copy of a message from the Right Honourable the Secretary of State for the Colonies in reply to His Excellency's telegram of the 29th May, No. 330. The copy has been laid before Ministers, and it is not possible to say that the position indicated in the above Memorandum is regarded as thereby materially altered. The Prime Minister regrets to state that the same difference of opinion still remains.

W. P. SCHREINER.

Prime Minister's Office, Cape Town.
June, 1900.

DRAFT MINUTE.

Ministers have the honour again to refer to the Minute of His Excellency the Governor and High Commissioner, dated the 7th May, 1900, South Africa, No. 25, acknowledged by their Minute, No. 1/181 of date the 29th May, 1900.

That Minute of His Excellency transmitted, in reply to Ministers' Minute, No. 1/137, of date the 28th April, a copy of a message from His Excellency to the Right Honourable the Secretary of State for the Colonies, conveying the views of Ministers in favour of the extension of a gracious amnesty by Her Majesty towards all persons, other than ring-leaders or principal offenders, who are liable to prosecution on charges of high treason committed in this Colony during the war still in progress, and also a copy of a message, of date the 4th May, 1900, received by His Excellency from the Right Honourable the Secretary of State in reply to the above message. In the message of the Secretary of State the various classes of persons so liable are discussed, and suggestions as to their treatment are offered by Her Majesty's Government for the consideration of Ministers.

These suggestions have received from Ministers that earnest consideration which the great importance of the subject demands, and they were and are anxious, as indicated by their minute, No. 1/181, of date the 29th May, 1900, to ascertain to what extent their views, when placed more fully before Her Majesty's Government than they could possibly be by cable, might perhaps have modified the suggestions expressed in the message of the Right Honourable the Secretary of State for the Colonies, and whether the disfranchisement therein proposed was intended to be for life or for a period only.

Ministers have, however, been given by His Excellency to understand that no reply has been received to His Excellency's further cable-message of inquiry on those points, and they feel that, having regard to the near date fixed for the assembling of Parliament, it is impossible further to delay an expression of their views on the suggestions advanced by Her Majesty's Government, in order that there may be time to announce to Parliament the policy of Ministers on the subject of the treatment of such persons, and upon allied or connected subjects arising out of the unhappy fact that portions of this Colony having been invaded have been thereby rendered also the scene of rebellion by some of Her Majesty's subjects, and have been and still are under the operation of martial law.

Ministers cannot refrain from expressing their regret that it has not been possible for Her Majesty's Government more fully to meet their views in favour of a very wide amnesty, but they are convinced that no good purpose could be at this time served by protracted communications in further support of those views. They cherish a lively hope that the day may not be distant when Her Gracious Majesty may yet be advised to grant a fuller exercise of that Royal prerogative, the extension of which to those of her subjects in this Colony who have erred would, Ministers feel, be attended by the happiest and most quieting consequences for the good of South Africa and the Empire, and would practically and materially facilitate the passage of legislation to cover, by indemnity, acts done under the authority of martial law, and to establish the necessary tribunal for the trial of ringleaders and the principal offenders.

Ministers recognise the spirit in which Her Majesty's Government have, while not able to advise at present such an exercise of the prerogative, offered suggestions conceived with the object of tempering justice with mercy, and it would have afforded them pleasure to be able to accept suggestions coming from Her Majesty's Government on this subject in their entirety, with a view to the requisite legislation.

While unable to do this, Ministers trust that a way of present clemency may still be found which may be acceptable to Her Majesty's Government, and may be adopted by the Parliament of this Colony in lieu of the existing provisions of the law; and in that hope they attach a Memorandum from the Attorney-General, to the views expressed in which they desire to direct His Excellency's attention. They consider that in all the circumstances the Attorney-General's recommendations should form the basis of a measure to be introduced into the legislature at its next Session. The successful passage of such a measure would, they believe, be much aided by an express assurance from Her Majesty's Government that the proposals would prove acceptable. May 17, 1900.

Moreover, Ministers should not conceal their apprehension that difficulties may possibly present themselves in the way of obtaining the sanction of the Colonial Parliament for the necessary and proper Act of Indemnity in regard to acts done under the various proclamations of martial law, and in the way of establishing the special tribunal for the trial of such ringleaders and principal offenders as are above-mentioned, if no lenient modification of the existing law of the Colony is possible upon the lines recommended by the Attorney-General.

Ministers have reason to believe that (besides other and still greater good results which would follow) such apprehended difficulties would be removed if such a gracious Act of Amnesty were exercised as they have ventured to recommend, and they would be indeed happy to know that the path of constitutional administration of the Government in this Colony would be thus smoothed. But, if such an Act may not now be hoped for, they are prepared to incorporate in their policy for the ensuing Session legislative proposals to give effect to the recommendations of the Honourable Attorney-General.

Attorney-General's Office,
Cape Town, May 17th, 1900.

THE PRIME MINISTER,

ON previous occasions I have expressed my views in writing in regard to the policy which should be pursued in dealing with those of Her Majesty's subjects who recently took up arms against Her or otherwise assisted Her enemies.

I suggested that these persons should be divided into two classes; one consisting of what may be called ringleaders, men of position and influence who, by joining the enemy, would induce others, accustomed in the ordinary affairs of life to look to them for guidance, to follow their example; the other consisting of all those who could not fairly be placed in that class.

I further suggested that the persons belonging to the first class should be tried for high treason before a special tribunal established by Act of Parliament which should be vested with all the powers of the Supreme Court in criminal cases, including the power to pass such sentences on conviction as are allowed by the law of this Colony; the legal consequence of disfranchisement, which follows the conviction of high treason by the ordinary Courts of the country, to follow a conviction by the special tribunal.

I recommended that the persons falling within the second class should not be criminally prosecuted but should be disfranchised for a period. The machinery I suggested was that a quasi-judicial commission should be appointed to investigate the cases of these persons with instructions to recommend for what periods each of them should be deprived of his political rights; and that an Act of Parliament should be passed confirming the recommendations of the Commission and giving effect to them.

The policy suggested above appeared to me to be both just and lenient, and one that should satisfy each of the two European races in this Colony.

I have seen no reason to alter the views summarised above; but it has become necessary for me to somewhat amplify them in view of the fact that a Minute dated the 7th instant, has been received by Ministers from His Excellency the Governor, forwarding a message from the Secretary of State for the Colonies, which sets forth the views of Her Majesty's Government on the subject of the treatment of the rebels, and which were invited by this Government in acknowledgment of the fact that it was for Her Majesty's Government to determine the policy which should be pursued in connection with this important subject.

It appears to me, after a careful perusal of Mr. Chamberlain's message, that if this Government would, in the main, adopt the views which I have expressed, there ought to be no difficulty in the two Governments agreeing on a policy.

The message from Mr. Chamberlain states that Her Majesty's Government desire "that in any case means shall be found for dealing effectually with certain persons" divided into six classes by Mr. Chamberlain; and they suggest that "persons falling within classes 1, 2 and 3, should be brought before the judicial commission for trial; and those falling within classes 4 and 5 might, on being allowed to plead guilty, be thereupon either sentenced to a fine carrying with it disfranchisement, or be released on recognisances to come up for judgment when called on—this also to involve disfranchisment—while those persons falling within Class 6 might be subjected to disfranchisement alone." The difference between these suggestions and mine is more in form than in substance except as regards Class 6. It does appear to me that persons who can show that they acted under compulsion, a compulsion which would be recognised by men of common sense, sitting on a commission to investigate these cases, as sufficient to excuse them from the consequences of their acts, ought not to suffer any punishment whatever—not even disfranchisement.

The suggestion of Her Majesty's Government that Class 1, "the ringleaders and promoters" should be brought before a judicial commission established by Parliament is quite in accord with my own suggestion, and I quite think that the persons who have committed the offences referred to in 2 and 3, whether such persons may be described as "ringleaders" or "rank and file," should be tried for those offences by the same judicial commission. It may be urged that there is no reason why such offences should not be dealt with by the ordinary Courts of the Country, but they would be, in my opinion, crimes of a political character, and the reasons which necessitate the trial of cases of high treason by a special Court instead of by a judge and jury apply quite as strongly to the trial of those persons who, while rebellion was going on, and in furtherance of that rebellion, committed such crimes as are referred to in 2 and 3.

Her Majesty's Government suggest that persons falling within Classes 4 and 5, and who would not be included in 1, 2 or 3, "might be allowed to plead guilty, and be thereupon either sentenced to a fine carrying with it disfranchisement, or released on recognisances to come up for judgment when called—this also to involve disfranchisement." Her Majesty's Government do not suggest what the period of disfranchisement should be.

In my opinion Class 5 should not include those who have "aided Her Majesty's enemies by furnishing provisions." In my opinion supplying provisions to the enemy, unless in very exceptional cases, such as sending provisions to the enemy in a besieged place in order to enable them to hold out, would not, in itself, amount to high treason according to the law of this Colony. From a joint opinion given by the Attorney-General and Solicitor-General in England, in the matter of the alleged trading with the enemy by one Murray in attempting to send 500 bags of sugar to the Transvaal, I gather that, according to the law of England, trading with the enemy in innocent articles, that is in articles not necessary for military operations, would only be a misdemeanour at common law. It is not advisable to specially enumerate persons who have supplied provisions to the enemy as persons who should be dealt with as though they had committed high treason. If there should be any case in which a person has supplied provisions to the enemy in circumstances which would make it high treason, that person, if a ring-leader, should be dealt with as other ring-leaders are dealt with, and, if only one of the rank and file, in the same way that others of the rank and file are dealt with.

I would propose that those who fall within Classes 4 and 5 (the latter class amended as I have suggested) and who do not fall within Classes 1, 2 or 3, should be merely disfranchised for a period of, say, five years.

I think I have shown that there is so little difference between the proposals of Her Majesty's Government and those which I have put forward that, if my proposals are adopted by this Government, there should be no reason why the two Governments should not agree on the policy to be pursued in connection with this question.

I wish now to make some suggestions as to the machinery which should be devised for the purpose of dealing, as I have suggested and as Her Majesty's Government substantially suggest, with those persons who, having committed high treason, are to be punished simply by disfranchisement. If we come to the conclusion that a policy of merely disfranchising these persons is, in all the circumstances, a just one, then it is our duty to devise machinery for effectually carrying it out.

Such a policy appears to me not only to be just but to be far more lenient and one far less likely to leave behind bitter memories than that which has been suggested, in case Her Majesty's Government are opposed to complete amnesty for those who are not

ringleaders, viz., to indict and bring to trial before the judicial commission every person who has taken up arms against Her Majesty or otherwise assisted Her enemies. To merely disfranchise such persons for a limited period and without the indignity of a criminal prosecution is surely a more lenient policy than that of putting every man on his trial and subjecting him, on conviction, to all the penalties and legal consequences which the law provides. If then Her Majesty's Government are prepared to deal with the rank and file by merely disfranchising them for a limited period, it is the duty of the Government of this Colony to provide adequate machinery for carrying that policy into effect. It will not do, in my opinion, to suggest that each of these persons should be tried on indictment by the judicial commission with powers to the commission to pass, in the cases of persons not falling within classes 1, 2, or 3 of Mr. Chamberlain's message, sentences of disfranchisement in lieu of any other sentence which the law provides. With the thousands of persons against whom information would be laid, and the procedure necessary to criminal trials even before a special tribunal, this machinery would either break down completely or else criminal trials for political offences would go on in this Colony for a very long period, keeping alive the bitter feeling which unfortunately exists between Her Majesty's Dutch and English subjects in this Colony.

It appears to me to be absolutely necessary, in order to deal with all cases of rebellion as expeditiously as possible, that another commission should be appointed, the constitution of which and the procedure before which would not necessarily be so judicial as that of the judicial commission, and which might therefore be styled a quasi-judicial commission. It should, of course, be a necessary requirement in the constitution of this commission that its members should be free from political bias.

On this commission the statutory duty should be imposed of investigating the cases of all persons not brought to trial before the judicial commission. It would, of course, be the duty of the Attorney-General, guided by the directions laid down, and in consultation with some Imperial authority (this question, as I have already pointed out, being also an Imperial one) to decide what persons are to be brought to trial before the judicial commission and what cases are to be investigated by the quasi-judicial commission. The latter commision should not, in making their investigations, be tied down to the ordinary legal criminal procedure, but should deal with cases coming before them in a prompt, summary, and yet perfectly equitable manner.

There are a number of persons in each of the districts south of the Orange River in which there has been rebellion who have surrendered their arms under Lord Roberts's proclamation, which states that "*rebels* wishing to return to their farms may do so on surrendering their arms and ammunition to the magistrate or nearest military authority, and receiving a pass signed by such authority, without which they will be liable to be arrested." The proclamation further states that "such rebels must remain on their farms, and will be liable to be called to account later on." It is surely a fair presumption, on which such a commission as I have suggested might act, that the persons who have, under that proclamation, surrendered their arms are guilty of high treason until they rebut that presumption. Notice might be given to each of such persons who is not to be brought to trial before the judicial commission that he may appear before the quasi-judicial commission and prove either that he did not take up arms against Her Majesty or commit any other treasonable act or that he acted under compulsion in doing so. The commission would investigate and come to a conclusion as to the guilt or innocence of all such persons as appear in answer to the notice. Those who do not appear would be taken to be guilty, and they, as well as those found guilty by the commission, would either be disfranchised for a period of five years, Parliament having, by Statute, conferred such powers upon it, or else they would report to Parliament the names of those persons with their full descriptions in the voters lists, and Parliament would then pass an act disfranchising those persons for the periods recommended by the commission. For obvious reasons I prefer the former suggestion to the latter.

I have made no suggestion as to the numerical strength of this quasi-judicial commission. It may be found necessary to make it sufficiently large as to enable it to sit in two or three places at the same time.

I have endeavoured in the above to sketch the policy which I think should be pursued in regard to the very difficult subject of the treatment of the rebels and the machinery by which that policy should be carried out. I cannot think that there is such a divergence between the means I have put forward and those set forth in Mr. Chamberlain's

message to His Excellency the Governor as to prevent complete accord between Her Majesty's Government and this Government on the question, and I therefore strongly urge that my views should be adopted by the Cabinet.

R. SOLOMON.

Treasury, Cape Town, Cape of Good Hope,
May 20, 1900.

THE HONOURABLE,
THE PRIME MINISTER.

Memorandum on Minute dated 7th May. Subject, Treatment of Rebels.

IT is rather an inconvenient practice to discuss a matter of such importance on a mere telegraphic summary, which may be as incomplete on one side as on the other.

I notice, however, that the Secretary of State for the Colonies speaks of his message as "offering suggestions for the consideration of Ministers," and it therefore rather invites argument than closes discussion. Such suggestions should therefore be carefully considered and replied to, as I think very few will question that undue haste in a matter which may vitally affect the future relations of South Africa to the Empire should be deprecated. There is certainly something to be said for the Colonial Secretary's contention that perhaps the present moment, while hostilities are still in progress, may not be the most opportune time for proclaiming the amnesty that we desire, and this objection may be taken to any general measure of dealing with rebels other than the course prescribed by the law.

On the other hand, if any clemency is to be shown, the announcement of such intention would certainly do much to stay the rising tide of bitterness, and in so far would accelerate the settlement, while any measure of general proscription, whether personal or political, will only add fuel to the flame.

The Colonial Secretary, after describing the virtues of clemency and the intentions of Her Majesty's Government on that score, goes on to propose what is virtually a general political proscription of all concerned in the rebellion, not excepting even those who have been compelled against their will to join in the insurrection—and proscription of a peculiarly odious kind, as its effects will fall not only upon those subject to it, but also upon their friends and kinsfolk who maintained their loyalty through times of great stress and strain.

He justifies and recommends this course on account of his anxiety to meet the opinion of "loyalists." I confess that I do not understand the meaning of the word "loyal" in this connection. If Mr. Chamberlain means the party who have approved the policy of this war, and who have, both before its outbreak and since, by writing and speaking rendered the task of keeping the peace almost impossible, then I think that he fatally misapprehends the political situation in this Colony.

It must not be forgotten that, excluding the population of the districts that have wholly or partially joined the rebellion, the majority of the European population of this Colony consists of their countrymen and blood-relations who have remained true to their allegiance under a very great strain, under taunts and provocations of every kind, and by so doing have afforded convincing proof of their genuine attachment to British rule. These people, to my mind, deserve at least as much consideration as the violent and noisy section who have ever shouted for war.

Their feelings have been sorely wounded by the flood of contumely of every kind that has been poured on them, and it is now proposed to treat the Dutch of this Colony in a way that no other rebels, except the unhappy Irish, have been treated, in order to begin the work of conciliation!

There was a time, not many months ago, when it is not too much to say that the British hold upon South Africa lay in the hands of the Dutch-speaking colonists, who, if they had risen, might have rendered the military situation almost impossible. At that time the efforts of their representatives, of their ministers of religion, and of leading men of all classes were thrown on the side of the British connection, and, aided by the sound common-sense of the community, prevented the effect that might have been produced by a not unnatural sympathy with their blood relations.

The cry of the faction that arrogates to itself the name of "loyal" is one which is heard on all occasions like the present, shouting for blood and in the advocacy of violent courses. It was heard in Canada in 1837–38, and wisely disregarded. It was heard in America after the Civil War, and wisely disregarded. It was heard in India after the

Mutiny, where the name of "Clemency Canning" honourably marks the sober sense of the representative of the Crown who saved the nation from the stigma that would have been cast upon it by the violent courses that were then demanded by "loyalists." Only in one case has the cry for vengeance been indulged, to the full, and that is Ireland. *Absit omen!*

Another reason put forward is, as I understand it, the desire to exact some retribution, to teach the rebels, in the words of the message, that unsuccessful rebellion does not pay—"is not a profitable business" are the words. I do not know that any one ever thought or is ever likely to think that it was; but certainly this is the strangest incitement to a prolonged and desperate struggle. It reads as if punishment were to fall upon the people, not for taking up arms, but for their lack of success in doing so.

The fact is that rebellion is not and never will be considered in the category of ordinary crimes. It inflicts no moral disgrace upon the rebel, who may be, and indeed often is, the best of men. It is for this reason that wise policy always tries to throw a veil, as soon as may be, over the past in every civil commotion, and endeavours to compose society to a decent forgetfulness.

It is precisely the opposite course that is presented to us. We are asked to deal with a number of men who have, at worst, taken up arms in what they, however erroneously, considered to be a righteous war, a war in which they joined the Queen's enemies to resist what prominent men both here and in England have repeatedly spoken of as "a crime." We are agreed that such conduct is reprehensible, for society demands that a minority should submit its views to the ruling of a majority, but the degree of moral guilt that attaches to any but a few leaders in such cases is not great, nor has it been held elsewhere to demand harsh treatment.

These men, irrespective of class, we are asked to put under a common political proscription, to deprive them of their civil rights, and by so doing (in fact, this is the main commendation of the measure to the "loyals") to deprive their friends and kinsfolk, who have rendered the Colony yeoman service at the most critical time, of that legitimate influence which belongs to a majority. We are asked, in fact, to create a class of political "helots" in South Africa, where we are now waging a bloody and costly war ostensibly for the purpose of putting an end to a similar state of affairs.

The measure, if adopted, would create a condition in certain districts of the Colony under which the majority, consisting of landholders and producers, would be disfranchised and put under the power of the townsfolk, who live [apart?] from them, and of the natives who may happen to be on the register. Such a state of affairs would be equally favourable to the demagogue and the patriot, but it would be contrary to the best interests of the country and productive of far-reaching evil.

So clearly, indeed, was this seen that, only a few months ago, when negotiations were being conducted in reference to the extension of the franchise in the South African Republic, the strongest possible representations were made, and made with success, in reference to the folly and imprudence of excluding from the operation of the Franchise Law those so-called "Reformers" who had pleaded guilty to High Treason in 1896.

We are asked to go still further, and to carry out this proscription, not by means of the ordinary judicial tribunals of the country, but by the agency of Commissions, who are to be entrusted with the power of "scheduling" the classes of offenders, and, as it would appear in certain cases, of depriving them of their political rights without previous trial.

These Commissions would, in fact, supersede the ordinary functions of the Attorney-General, who is responsible to Parliament for his administration of criminal justice. The responsible officer would be pushed on one side, and his functions would be entrusted to bodies not known to the law and responsible to no one. It is not necessary to go back to history to point out how such a proposal is repugnant to the very fundamental principle of free institutions.

The proposal is also open to the objection that attaches to all *ex post facto* legislation, and in so far it is opposed to the principles of English Criminal Administration and to that natural justice upon which it is based.

In answer to Mr. Chamberlain's remarks that it is impossible to enter on a full discussion of the reasons urged by Ministers in favour of a general amnesty, reasons which indeed are not before him except in a summarised form, it may fairly be advanced that the grounds upon which the Ministerial contention is based are of a nature upon which, in view of the important issues at stake, bearing as they do upon the whole future of South Africa, the most ample discussion seems to be both desirable and necessary. He

goes on to say that the policy indicated in his own message is one that the whole population might well accept as satisfactory, and that it would not encourage the natives to think that the two white races are permanently disunited.

The answer to this is that any large measure of disfranchisement which is strongly supported, in this country at any rate, as a means of curtailing the legitimate constitutional power of the majority of the inhabitants, a constitutional power that they have never abused, would undoubtedly create the grounds for a permanent and fatal disunion, and that, in its bearing upon the native races, it would certainly tend to strengthen and accentuate that feeling of hostility and contempt for the Dutch, created by current events, which has already found such ominous expression in the insulting language and demeanour of many of the coloured classes, a movement in which there lie the germs of much future trouble.

The Colonial Secretary observes that "the expediency of the action to be taken depends on circumstances, which must vary greatly according to date and locality." The meaning of this observation, owing doubtless to the necessary compression of a telegraphic message, is not quite clear. It might, on the contrary, be thought that the broad principle that clemency on the part of the stronger power led to good results, and that political proscription was invariably followed by evil consequences, was one, if the teachings of history are of any value, that held good for all time and in every country. It is conceivable, indeed, that where a revolt has been marked with peculiar atrocities, or where it has been the result of a long considered and secret conspiracy, a necessity might arise for the superior power to govern the defeated by the sword, but to take away political rights from one section of the community while leaving the other in the full enjoyment of constitutional privileges, and by so doing to set up the rule of a minority under the specious form of Constitutional Government would be to court disaster and to create in South Africa a condition of affairs that has, in the past, caused so much misery and trouble in Ireland.

It is not Dutchmen or Englishmen that will be deceived by such a mockery of free institutions. Mr. Chamberlain has, perhaps, devoted too little study to the history of the Canadian Revolt, which he dismisses as wholly inapplicable to the South African situation. In Canada the revolt, for which (in Lower Canada at least) the political grievances were a mere pretext, was the result of a carefully prepared conspiracy to throw off British rule, organised and led by prominent politicians acting in concert with citizens of the United States, the territory of which country to a large extent formed the base of operations of the nature of piratical raids. The state of the country at the time has been aptly described as one in which the Legislature, the Bench, the Bar and the people were all deeply tainted with the spirit of hostility to Great Britain and the British race. The revolt itself was marked, both in Upper and Lower Canada, by outrage and murder, while as to the mental and moral characteristics of the French Canadians of that period, the eloquent and sympathetic pages of Lord Durham's report draw a sufficiently melancholy picture.

In every respect the deplorable rising in a portion of this Colony, that has already brought so much misery on the misguided participants, presents a favourable contrast to the Canadian precedent, and a careful study of the facts will certainly disclose no reason why a different treatment should be meted out to the South African Dutchman from that which, in the case of the French Canadian, has preserved Canada to the British Empire and secured a loyal and contented population.

I have written at length, but I hope not at undue length, considering the importance of the subject. I should be untrue to my oath as Executive Councillor if I tendered advice to Her Majesty which, if followed, would, according to my earnest conviction, be equally detrimental to British rule and to the welfare of the people of South Africa.

JOHN X. MERRIMAN.

Colonial Secretary's Office, Cape Town,
Cape of Good Hope, May 19, 1900.

WITH all their desire to be magnanimous and lenient, the Imperial Government does not seem prepared to support the Ministerial recommendation that Her Majesty should grant an amnesty to British subjects of Dutch extraction who, after vainly endeavouring by all possible constitutional means to prevent what they, in common with the rest of the civilised world, believed to be an unjust and infamous war against their near kinsmen, aided the Republics in the terrible struggle forced upon them. Intensely as they

sympathised with them, they had still almost universally abstained from all disloyal action, and only after their districts were occupied do they appear to have yielded to compulsion and to have acted in many instances in exactly a similar manner as Free State burghers, on the occupation of their territory by British troops, recently did. However criminal this action may have been, I am firmly convinced that the sound and proper policy to adopt now is amnesty. Believing this, my view is that, in replying to the Minute, we can only again urge that the course be followed which we deem to be right. The representations we make in this matter may be disregarded, as they were on a former occasion in another matter, and the results will certainly be disastrous again. Our duty seems perfectly clear.

As regards the next question, if the accused have to stand their trial, before what Court should they be brought? I have, in a former Memorandum, expressed my view. To this it is not necessary to add much. I can only repeat that the machinery already in existence is, in my judgement, ample for dealing with these cases. I do not see the need for the establishment of a new tribunal. On the contrary, it seems to me a most impolitic thing to do, and further, it would be a very dangerous precedent. Judgment by his peers is a right of the citizen which only the highest considerations should induce us to abandon, or even temporarily to surrender. No reasons of such weight as to persuade me of the necessity have been adduced. Trial before a jury in a place where every one knows that a hostile verdict is a foregone conclusion is a cruel farce; but if that were the only alternative course, which fortunately it is not, I do not feel at all sure that that would not be the lesser of two evils and preferable to surrendering our rights on a suggestion which it seems quite manifest was made to obtain purely political advantage. I recognise that our not acquiescing in the proposition may result, as it has been threatened it may, in further infringement of our constitutional rights by Imperial legislation over our heads. This, however, is exceedingly unlikely. Threats in any case will not deter me from doing what is right.

In the interests of the future of the Colony, for which we are primarily and chiefly responsible, we should not agree to a course which we do not approve, and which we believe may lead to calamitous results.

T. Te Water.

Enclosure 2 in No. 13.

Memorandum.

Government House, Cape Town,
June 12, 1900.

The Governor has the honour to acknowledge the Prime Minister's Memorandum of 11th June and its enclosures. The Memorandum opens with the grave statement that "the Cabinet, as constituted, is at variance on matters of the first importance with regard to the policy of the Government of this Colony," and after explaining that statement in some detail, goes on to say that "a deadlock has been reached in the administration of affairs by the present Cabinet" which "is not able to agree upon the policy and measures which should be speedily formulated and prepared if Parliament is to assemble, as has been decided, on the 22nd June."

The Governor does not feel that any good purpose would be served by his entering into a discussion of the differences of opinion existing within the Cabinet, as disclosed in the enclosures to the Memorandum. The Prime Minister states that he "is satisfied that they cannot be composed." But the Governor is entitled to ask that the Ministry, to which, in a self-governing Colony, he is bound to look for advice, should be in a position to advise him. The Prime Minister asks for an expression of the Governor's wishes. But it is not a question of his personal wishes at all. It is a matter of public necessity that on important and urgent matters of policy, such as those about which the present differences of opinion in the Cabinet have arisen, Ministers should be able to address the Governor with a united voice. If such unanimity cannot be achieved in the present case, either by a section of the Ministry deferring to the views of their colleagues, or by such a reconstruction of the Cabinet as would restore internal harmony, the Governor will be left without that support from Ministers to which he is constitutionally entitled, and would, in the discharge of his duty, be compelled to seek it elsewhere.

The Governor regrets that the present difficulty should have arisen, especially at a critical time when war is still raging in South Africa, when the rebellion in the Colony itself is only partly subdued, and the state of public feeling on all hands is one of

continued excitement. The embarrassments of the situation are heightened by the fact that Parliament has been summoned to meet on the 22nd, and although, in view of the exceptional circumstances, it would be justifiable, and may be necessary, to take the unusual course of again proroguing it, there are grave objections to deferring the assembly of the Houses for any length of time.

Without, therefore, wishing in any way to precipitate a decision on a matter of such gravity, the Governor feels bound to express the opinion that, in the interests of the Colony, it is important that the present deadlock should be terminated as soon as possible.

A. MILNER,
Governor and High Commissioner.

Enclosure 3 in No. 13.

MEMORANDUM.

Prime Minister's Office, Cape Town,
June 13, 1900.

The Prime Minister has the honour to acknowledge the Memorandum o His Excellency the Governor of date the 12th June, in reply to the Memorandum of th Prime Minister of date the 11th June, informing His Excellency of the fact that th Cabinet, as constituted, is at variance on matters of policy of the first importance, and tha the differences are such that they cannot be composed.

In presenting the Memorandum of the 11th June, the Prime Minister was influence by the consideration that he should take no hasty step without affording to His Excellenc the proper opportunity at a critical time of conveying to Ministers such suggestions a he might wish borne in mind before a line of action should be determined by th Prime Minister.

The regret which His Excellency expresses that the present difficulty should hav arisen at this time of trouble is shared, at any rate, by the Ministers who are at one upo a policy, and may very likely be shared by others.

All are convinced that there is no hope of achieving unanimity.

The ordinary constitutional course would be that the dissenting colleagues shoul retire and the Prime Minister be left to the work of reconstruction.

This is a course which he would gladly have taken had he been able, after consultin with his supporters, to find that his policy had assurances of endorsement by a sufficientl large section of them in the Legislature to warrant him in concluding that, in his hands the policy approved of by him would be safe. He regrets to have to state that upon th points of that policy which are in special difference no such measure of support has bee promised or assured as would justify him in a reasonable hope that he could carr it out.

There remains, therefore, only one constitutional course, dictated also, he believes by honourable consideration on his part of the obligations due by him to his supporters and that is to place his resignation in the hands of His Excellency the Governor.

This resignation will naturally carry with it the resignation of all his colleagues, bu those who hold portfolios will readily acquiesce in what he believes to be His Excellency' wish, as it is in compliance with constitutional practice, and will carry on the work o their respective Departments pending the appointment of successors.

It is felt by Ministers, the Prime Minister is in a position to say, that a shor postponement of the meeting of Parliament may be difficult to avoid. The Prim Minister, however, is reluctant to advise, as matters stand, upon this point, since the nev advisers of His Excellency should have a free hand to frame recommendations in tha most important matter.

W. P. SCHREINER.

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